

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REGIONS ASSET COMPANY, et al.,)	
)	
Plaintiffs,)	
)	
)	Civil Action No. 2:06-cv-882-MHT
)	
REGIONS UNIVERSITY, INC.)	
)	
Defendant.)	

NOTICE OF FILING TRADEMARK REGISTRATIONS/APPLICATIONS

COMES NOW the defendant Regions University, Inc. and gives notice of the filing of the attached certified copies of trademark applications filed in the United States Patent and Trademark Office with respect to the following:

<u>Name of Mark</u>	<u>Date of Appli- cation</u>	<u>Appli- cation Number</u>	<u>Date of Publication</u>	<u>Date of Notice of Allowance</u>
Regions Foundry	12/18/06	77/066,517	07/10/07	
Regions Specialty Coffee	06/25/07	76/678,650		
REGIONS (For Wine)	04/17/01	76/242,955	09/07/04	12/30/04

Respectfully submitted,

/s/ VICTOR T. HUDSON
[HUDSV1684]
tom@alabamatrial.com
WILLIAM W. WATTS, III
[WATTW5095]
bill@alabamatrial.com

Hudson & Watts, LLP
Post Office Box 989
Mobile, Alabama 36601

JAMES E. SHLESINGER
Shlesinger, Arkwright &
Garvey LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

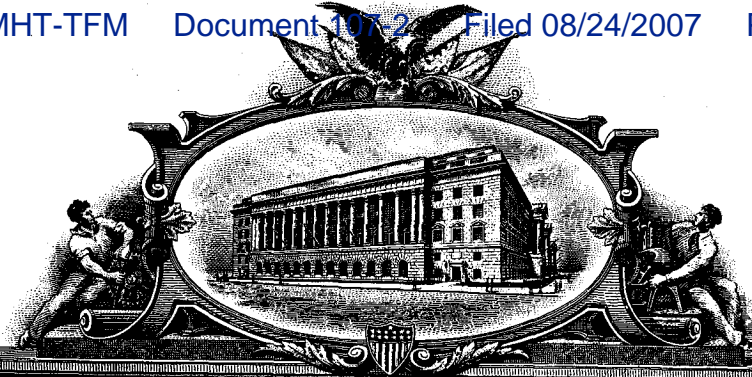
I hereby certify that on August 24, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

William G. Pecau, Esq.
Rachel M. Marmer, Esq.
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

Charles B. Paterson, Esq.
Paul A. Clark, Esq.
BALCH & BINGHAM, LLP
105 Tallapoosa Street, Suite 200
Montgomery, Alabama 36104

/s/ VICTOR T. HUDSON

1631350



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 16, 2007

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:

TRADEMARK APPLICATION: 77/066,517

FILING DATE: *December 18, 2006*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77066517

Filing Date: 12/18/2006

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77066517
MARK INFORMATION	
*MARK	REGIONS FOUNDRY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	REGIONS FOUNDRY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	American Faucet & Coatings Corporations
*STREET	3280 Corporate View
*CITY	Vista
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	92081
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Nevada
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	011
	Faucets; shower and tub fixtures, namely,

DESCRIPTION	shower heads, shower head sprayers, hand-held shower heads; plumbing fittings, namely, valves, thermostatic valves and shower control valves
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2006
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\IMAGEOUT\7 70\665 77066517.xml\APP0 003.JPG
SPECIMEN DESCRIPTION	ceramic button displaying mark which is applied to the products
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	012
DESCRIPTION	Kitchen and bath accessories, namely, towel bars, toilet paper holders, towel rings and soap dishes
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Peter K. Hahn
ATTORNEY DOCKET NUMBER	25691-1/T10
FIRM NAME	Luce, Forward, Hamilton & Scripps, LLP
STREET	600 West Broadway, Suite 2600
CITY	San Diego
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92101
PHONE	619-699-2585
FAX	619-446-8243
EMAIL ADDRESS	phahn@luce.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Katherine M. Hoffman
CORRESPONDENCE INFORMATION	
NAME	Peter K. Hahn

FIRM NAME	Luce, Forward, Hamilton & Scripps, LLP
STREET	600 West Broadway, Suite 2600
CITY	San Diego
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92101
PHONE	619-699-2585
FAX	619-446-8243
EMAIL ADDRESS	phahn@luce.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
TOTAL FEE DUE	650
SIGNATURE INFORMATION	
* SIGNATORY FILE	\\TICRS\EXPORT\IMAGEOUT\770\665 77066517.xml\1\APP0004.JPG
SIGNATORY'S NAME	Charles C. Butler
SIGNATORY'S POSITION	Founder
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 18 15:32:07 EST 2006
TEAS STAMP	USPTO/BAS-63.145.243.253- 20061218153207313937-7706 6517-360736c81412fle506ea 95025f6be44889a-CC-201-20 061218144656475962

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77066517

Filing Date: 12/18/2006

To the Commissioner for Trademarks:

MARK: REGIONS FOUNDRY (Standard Characters, see mark)

The literal element of the mark consists of REGIONS FOUNDRY. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, American Faucet & Coatings Corporations, a corporation of Nevada, having an address of 3280 Corporate View, Vista, California, United States, 92081, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 011: Faucets; shower and tub fixtures, namely, shower heads, shower head sprayers, hand-held shower heads; plumbing fittings, namely, valves, thermostatic valves and shower control valves

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 011, the mark was first used at least as early as 06/01/2006, and first used in commerce at least as early as 06/01/2006, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) ceramic button displaying mark which is applied to the products.

Specimen File 1

International Class 012: Kitchen and bath accessories, namely, towel bars, toilet paper holders, towel rings and soap dishes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Peter K. Hahn and Katherine M. Hoffman of Luce, Forward, Hamilton & Scripps, LLP, 600 West Broadway, Suite 2600, San Diego, California, United States, 92101 to submit this application on behalf of the applicant. The attorney docket/reference number is 25691-1/T10.

Correspondence Information: Peter K. Hahn

600 West Broadway, Suite 2600

San Diego, California 92101

619-699-2585(phone)
619-446-8243(fax)
phahn@luce.com (authorized)

A fee payment in the amount of \$650 will be submitted with the application, representing payment for 2 class(es).

Declaration

Signatory's Signature: signatory file
Signatory's Name: Charles C. Butler
Signatory's Position: Founder

RAM Sale Number: 201
RAM Accounting Date: 12/19/2006

Serial Number: 77066517
Internet Transmission Date: Mon Dec 18 15:32:07 EST 2006
TEAS Stamp: USPTO/BAS-63.145.243.253-200612181532073
13937-77066517-360736c81412fle506ea95025
f6be44889a-CC-201-20061218144656475962

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature Section:

→ Signature: Charles C. Butler Founder
Date Signed: 12-12-06
Signatory's Name: Charles C. Butler
Signatory's Position: Founder

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

REGIONS FOUNDRY



REGIONS FOUNDRY

*** User:ebelenker ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	77066517[SN]
02	1	0	1	1	P/0:01	"american faucet & coatings"[ow]
03	822	N/A	0	0	P/0:01	"region"
04	200	104	1	1	P/0:01	"foundry"
05	1	0	1	1	P/0:01	3 and 4
06	14	5	9	6	P/0:01	regions[fm]
07	8	2	4	2	P/0:03	4 and ("011" "021" a b "200")[ic]
08	35	16	19	7	P/0:02	foundry[ds]
09	18	6	12	6	P/0:03	3 and ("011" "021" a b "200")[ic]
10	441	194	247	192	P/0:01	3 and ("011" "021" a b "200")[cc]

Session started 4/11/2007 4:38:30 PM

Session finished 4/11/2007 4:51:39 PM

Total search duration 0 minutes 15 seconds

Session duration 13 minutes 9 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TIGRS as Serial Number: 77066517

To: American Faucet & Coatings Corporation (phahn@luce.com)
Subject: TRADEMARK APPLICATION NO. 77066517 - REGIONS FOUNDRY - 25691-1/T10
Sent: 4/13/2007 4:13:00 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/066517

APPLICANT: American Faucet & Coatings Corporation

77066517

CORRESPONDENT ADDRESS:
PETER K. HAHN
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
600 W BROADWAY STE 2600
SAN DIEGO, CA 92101-3372

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: REGIONS FOUNDRY

CORRESPONDENT'S REFERENCE/DOCKET NO: 25691-1/T10

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
phahn@luce.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 77/066517

EXAMINER'S AMENDMENT

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: No telephone call is required for the amendment listed below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

This examiner's amendment is supplemental to the examiner's amendment also sent to the applicant's attorney on April 13, 2007.

Classification of Services

The application is amended to classify the goods filed in Class 12 in **International Class 21**. 37 C.F.R. §2.85; TMEP §1401.03(b).

The decision as to the proper classification of goods or services is a purely administrative matter which is within the sole discretion of the Patent and Trademark Office. *In re Tee-Pak, Inc.*, 164 USPQ 88 (TTAB 1969).

/Esther A. Belenker/
Trademark Examining Attorney
Law Office 111
Tel: 571/272-9125
Fax: 571/273-9125

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will **not** be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

To: American Faucet & Coatings Corporations (phahn@luce.com)
Subject: TRADEMARK APPLICATION NO. 77066517 - REGIONS FOUNDRY - 25691-1/T10
Sent: 4/13/2007 4:03:57 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/066517

APPLICANT: American Faucet & Coatings Corporations

77066517

CORRESPONDENT ADDRESS:

PETER K. HAHN
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
600 W BROADWAY STE 2600
SAN DIEGO, CA 92101-3372

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: REGIONS FOUNDRY

CORRESPONDENT'S REFERENCE/DOCKET NO: 25691-1/T10

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
phahn@luce.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 77/066517

EXAMINER'S AMENDMENT

OFFICE RECORDS SEARCH: The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), TMEP §704.02.

ADVISORY - AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71 (a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by the applicant's attorney, Peter K. Hahn, on April 12, 2007, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Disclaimer

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "FOUNDRY" apart from the mark as shown.

15 U.S.C. §1056; TMEP §§1213, 1213.03(a) and 1213.08(a)(i).

A disclaimer does *not* physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing.

Correction of Applicant's Name

The applicant's name is American Faucet & Coatings Corporation.

The "s" which was listed at the end of Corporation by the applicant has been deleted.

/Esther A. Belenker/
Trademark Examining Attorney
Law Office 111
Tel: 571/272-9125
Fax: 571/273-9125

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Jun 20, 2007

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
77/066,517
2. Mark:
REGIONS FOUNDRY
Standard Character Mark
3. International Class(es):
11, 21
4. Publication Date:
Jul 10, 2007
5. Applicant:
American Faucet & Coatings Corporation

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

PETER K. HAHN
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
600 W BROADWAY STE 2600
SAN DIEGO, CA 92101-3372

TMP&I

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)					
OVERVIEW					
SERIAL NUMBER	77066517	FILING DATE	12/18/2006		
REG NUMBER	0000000	REG DATE	N/A		
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK		
INTL REG #	N/A	INTL REG DATE	N/A		
TM ATTORNEY	BELENKER, ESTHER ANN	L.O. ASSIGNED	111		
PUB INFORMATION					
RUN DATE	05/04/2007				
PUB DATE	N/A				
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE				
STATUS DATE	05/03/2007				
LITERAL MARK ELEMENT	REGIONS FOUNDRY				
FILING BASIS					
FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA							
STANDARD CHARACTER MARK				YES			
LITERAL MARK ELEMENT				REGIONS FOUNDRY			
MARK DRAWING CODE				4-STANDARD CHARACTER MARK			
COLOR DRAWING FLAG				NO			
CURRENT OWNER INFORMATION							
PARTY TYPE				10-ORIGINAL APPLICANT			
NAME				American Faucet & Coatings Corporation			
ADDRESS				3280 Corporate View Vista, CA 92081			
ENTITY				03-CORPORATION			
CITIZENSHIP				Nevada			
GOODS AND SERVICES							
INTERNATIONAL CLASS				011			
DESCRIPTION TEXT				Faucets; shower and tub fixtures, namely, shower heads, shower head sprayers, hand-held shower heads; plumbing fittings, namely, valves, thermostatic valves and shower control valves			
INTERNATIONAL CLASS				021			
DESCRIPTION TEXT				Kitchen and bath accessories, namely, towel bars, toilet paper holders, towel rings and soap dishes			
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	011	FIRST USE DATE	06/01/2006	FIRST USE IN COMMERCE DATE	06/01/2006	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	021	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION				NO			
DISCLAIMER W/PREDETER TXT				FOUNDRY			

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/03/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
05/03/2007	ALIE	A	ASSIGNED TO LIE	012
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	011
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	010
04/13/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	009
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
04/13/2007	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	007
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
04/13/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
04/11/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/21/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Peter K. Hahn
CORRESPONDENCE ADDRESS	PETER K. HAHN LUCE, FORWARD, HAMILTON & SCRIPPS, LLP 600 W BROADWAY STE 2600 SAN DIEGO, CA 92101-3372
DOMESTIC REPRESENTATIVE	NONE

REGIONS FOUNDRY

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77066517	FILING DATE	12/18/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BELENKER, ESTHER ANN	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	04/14/2007
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
STATUS DATE	04/13/2007
LITERAL MARK ELEMENT	REGIONS FOUNDRY

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REGIONS FOUNDRY
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	American Faucet & Coatings Corporation
ADDRESS	3280 Corporate View Vista, CA 92081
ENTITY	03-CORPORATION
CITIZENSHIP	Nevada

GOODS AND SERVICES

INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Faucets; shower and tub fixtures, namely, shower heads, shower head sprayers, hand-held shower heads; plumbing fittings, namely, valves, thermostatic valves and shower control valves
INTERNATIONAL CLASS	021
DESCRIPTION TEXT	Kitchen and bath accessories, namely, towel bars, toilet paper holders, towel rings and soap dishes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	011	FIRST USE DATE	06/01/2006	FIRST USE IN COMMERCE DATE	06/01/2006	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	021	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	FOUNDRY

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	011
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	010
04/13/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	009
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
04/13/2007	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	007
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
04/13/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
04/11/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/21/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Peter K. Hahn
CORRESPONDENCE ADDRESS	PETER K. HAHN LUCE, FORWARD, HAMILTON & SCRIPPS, LLP 600 W BROADWAY STE 2600 SAN DIEGO, CA 92101-3372
DOMESTIC REPRESENTATIVE	NONE

REGIONS FOUNDRY

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77066517	FILING DATE	12/18/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BELENKER, ESTHER ANN	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	04/14/2007		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/13/2007		
LITERAL MARK ELEMENT	REGIONS FOUNDRY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REGIONS FOUNDRY
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	American Faucet & Coatings Corporation
ADDRESS	3280 Corporate View Vista, CA 92081
ENTITY	03-CORPORATION
CITIZENSHIP	Nevada

GOODS AND SERVICES

INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Faucets; shower and tub fixtures, namely, shower heads, shower head sprayers, hand-held shower heads; plumbing fittings, namely, valves, thermostatic valves and shower control valves
INTERNATIONAL CLASS	021
DESCRIPTION TEXT	Kitchen and bath accessories, namely, towel bars, toilet paper holders, towel rings and soap dishes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	011	FIRST USE DATE	06/01/2006	FIRST USE IN COMMERCE DATE	06/01/2006	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	021	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	FOUNDRY

PROSECUTION HISTORY

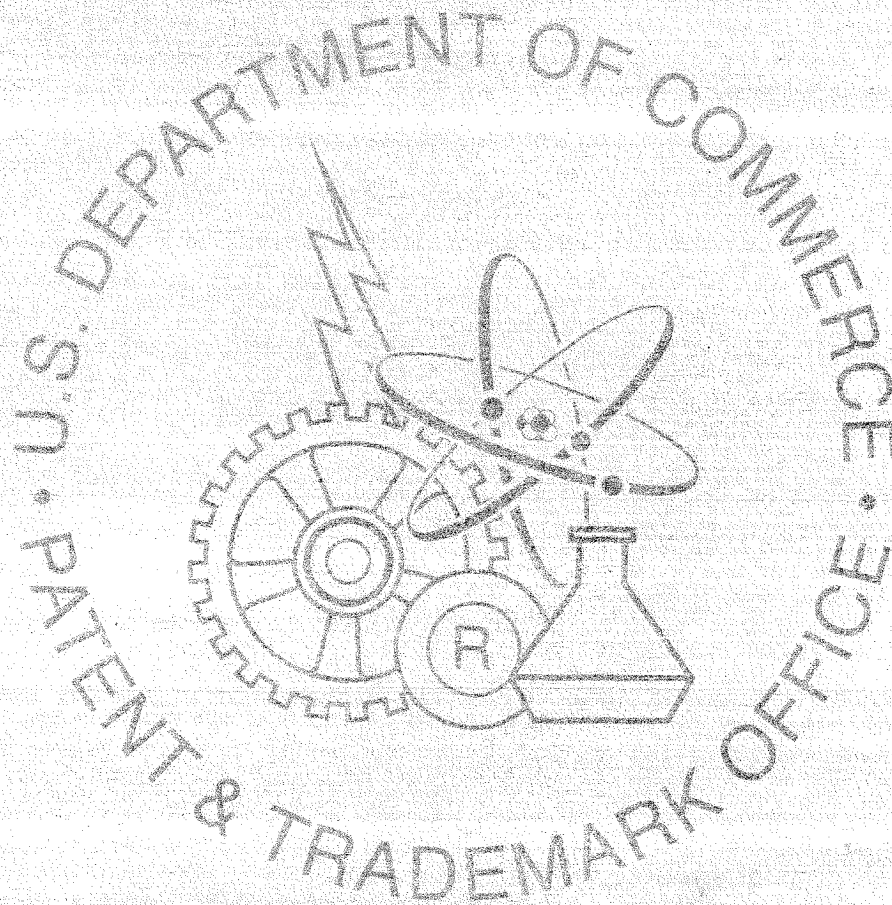
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	011
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	010
04/13/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	009
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
04/13/2007	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	007
04/13/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	006
04/13/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
04/13/2007	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
04/13/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
04/11/2007	DOCK	D	ASSIGNED TO EXAMINER	002
12/21/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

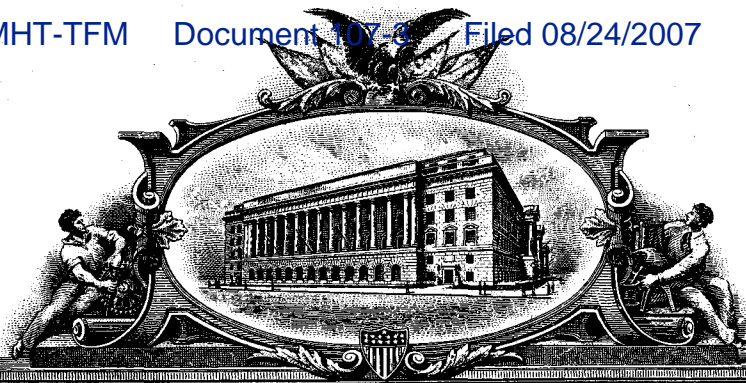
ATTORNEY	Peter K. Hahn
CORRESPONDENCE ADDRESS	PETER K. HAHN LUCE, FORWARD, HAMILTON & SCRIPPS, LLP 600 W BROADWAY STE 2600 SAN DIEGO, CA 92101-3372
DOMESTIC REPRESENTATIVE	NONE

REGIONS FOUNDRY





1631350



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 16, 2007

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:

TRADEMARK APPLICATION: 76/678,650

FILING DATE: *June 25, 2007*

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY

Certifying Officer

76678650

TRADEMARK APPLICATION SERIAL NO. -----

U.S. DEPARTMENT OF COMMERCE
AND PATENT AND TRADEMARK OFFICE
FEE SHEET

/26/2007 SMILSON1 00000001 76678650

FC:6001

375.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: REGIONS SPECIALTY COFFEE & design

Class: Intl. Class 30

To the Assistant Commissioner for Trademarks:

Applicant Name: Food Services of America, Inc.
Applicant Address: 8501 Pricess Dr., Ste. 200
Scottsdale, AZ 85255-5482

State of Incorporation: Delaware

Goods and/or services

Applicant requests registration of the above-identified trademark (X) service mark () shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 USC 1051 et seq., as amended) for the following goods/services:

Coffee sold in whole bean and ground form Int'l Cl 30

Basis for Application

Check one, but not both, and supply requested information:

☐ Applicant is using the mark in commerce on or in connection with the above-identified goods/services. (15 USC 1051(a), as amended). One specimen showing the mark as used in commerce are submitted with this application.

- Date of first use by Applicant or its predecessor of the mark anywhere:

- Date of first use by Applicant or its predecessor of the mark in commerce which the U.S. Congress may regulate:

- Specify the type of commerce:

(e.g., interstate, between U.S. and a specified foreign country)

- Specify the manner or mode of use of mark on or in connection with the goods/services:

(e.g., trademark is applied to labels, service mark is used in advertisements)

X Applicant has a bona fide intention to use the mark in commerce on or in connection with the above- identified goods/services. (15 USC 1051(b), as amended).

Specify intended manner or mode of use of mark on or in connection with the goods/services:

The mark will be displayed on the labeling affixed to the containers/packaging for the goods, and will be displayed at point of sale, and in other ways customary to the trade.

A check is enclosed in the amount of \$375 to cover the filing fees.


Applicant disclaims "COFFEE" apart from the mark as shown.

Declaration

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 USC 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Applicant appoints Rebecca Nittle whose postal address is: 221 E. Marconi Ave, Phoenix, AZ 85022 its attorney to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration; said Rebecca Nittle (telephone No. 602-564-1200) to have, in addition, power of substitution and revocation.

June 20, 2007
(Date)


Name: Rebecca Nittle
Attorney for Applicant
221 E. Marconi Ave
Phoenix, AZ 85022
602/564-1200

CERTIFICATE OF MAILING

I hereby certify that this paper Trademark Application, with drawing, check for filing fees and receipt post card for mark **REGIONS SPECIALTY COFFEE & design**, are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on the 20th day of June, 2007.


Rebecca Nittle
Attorney

June 20, 2007
Date of Signature

Applicant Name: **Food Services of America, Inc.**

Applicant Address: **8501 E. Princess Dr.
Ste. 200
Scottsdale, AZ 85255-5482**

Goods and/or Services: **Coffee sold in whole bean and ground form Int'l CI 30**



06-25-2007

U.S. Patent & TMOlb/TM Mail Ropt Dt. #51



U.S. Patent & TM Oib/TM



76678650

Applicant Name: Food Services of America, Inc.
Applicant Address: 8501 E. Princess Dr.
Ste. 200
Scottsdale, AZ 85255-5482
Goods and/or Services: Coffee sold in whole bean and ground form Int'l CI 30



06-25-2007

U.S. Patent & TMO/TM Mail Rpt Dt #51



U.S. Patent & TM Ob/TM



76678650

FILING RECEIPT FOR TRADEMARK APPLICATION

Jul 6, 2007

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

REBECCA NITTLE
221 E MARCONI AVE
PHOENIX, AZ 85022-3019

ATTORNEY
REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfilingreceipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/678650
FILING DATE: Jun 25, 2007
REGISTER: Principal
MARK: REGIONS SPECIALTY COFFEE
MARK TYPE(S): Trademark
DRAWING TYPE: Stylized words, letters, or numbers
FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Rebecca Nittle

OWNER: Food Services of America, Inc. (DELAWARE, Corporation)
8501 Pricess Dr., Ste. 200
Scottsdale, ARIZONA 852555482

FOR: Coffee sold in whole bean and ground form
INT. CLASS: 030
FIRST USE: NONE USE IN COMMERCE: NONE

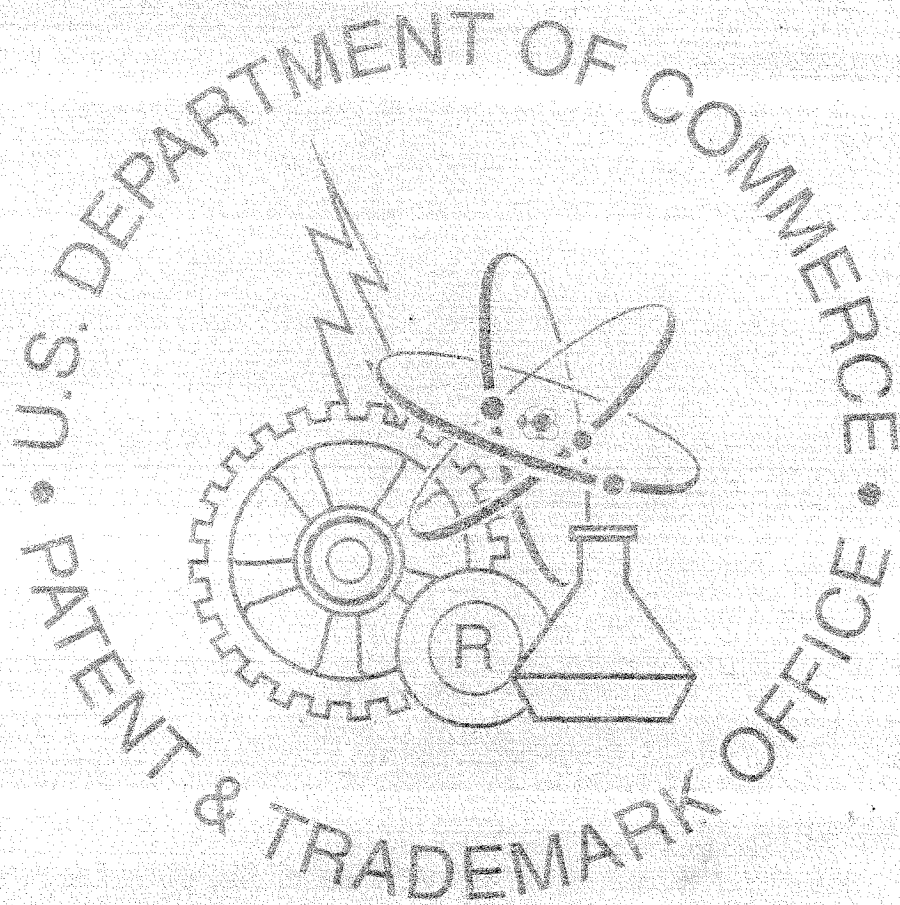
ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

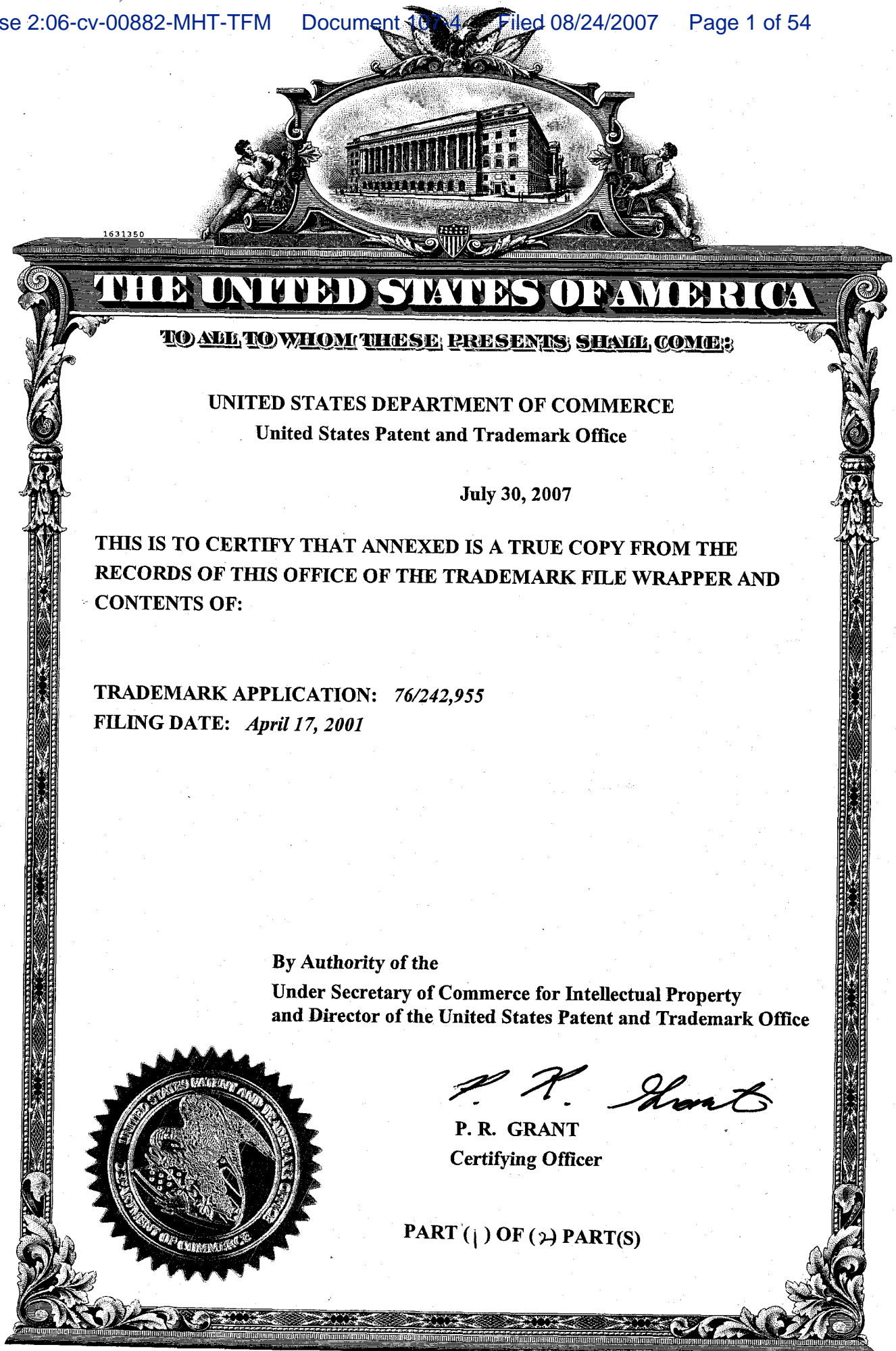
OTHER DATA

DISCLAIMER: No claim is made to the exclusive right to use COFFEE, apart from the mark as shown.

COLOR(S) CLAIMED: Color is not claimed as a feature of the mark.

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

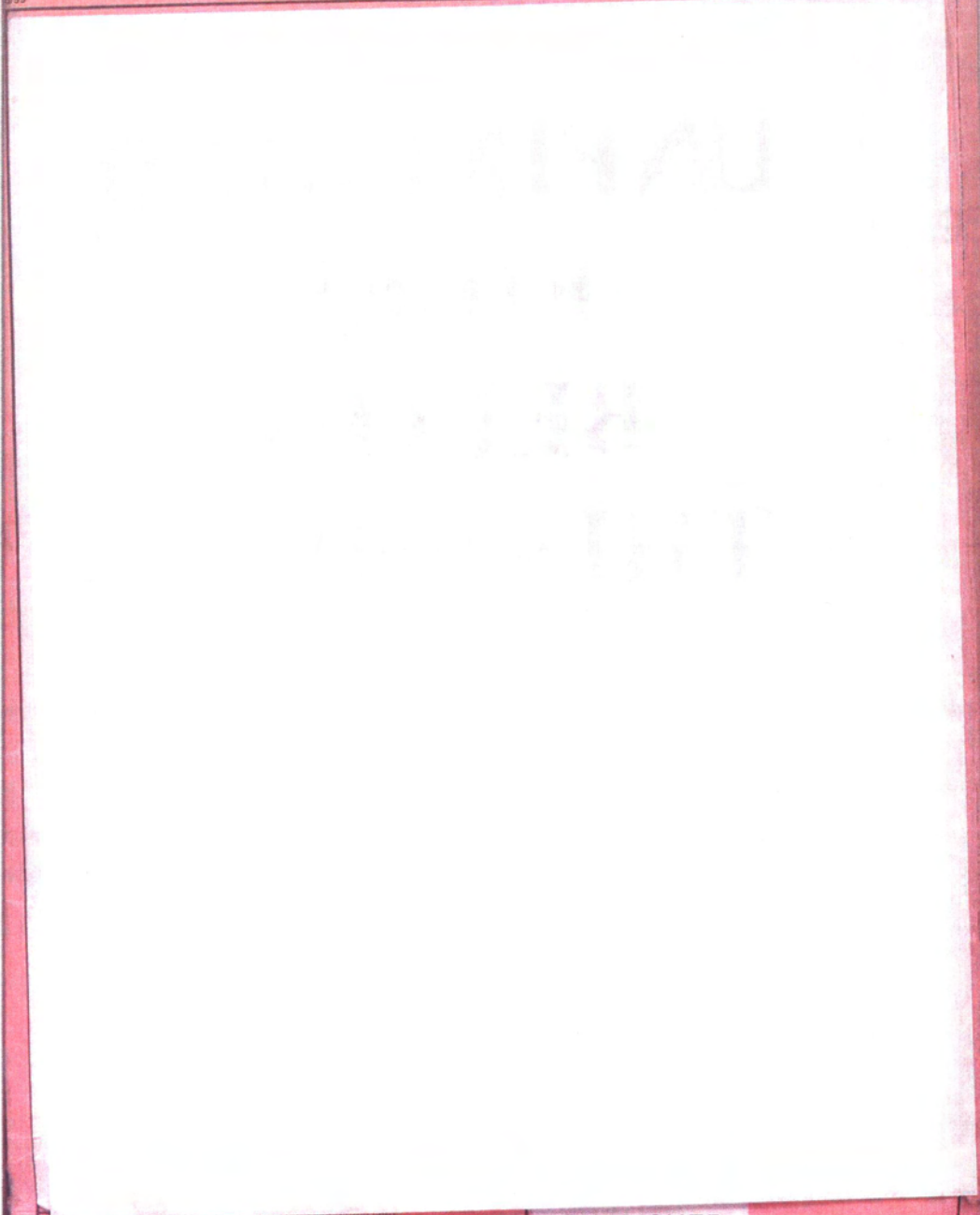




Trademark

FORM PTO-102
6/99

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office



PUBLISHED
9/7/04

NOA

Approved for Registration (Section 1(d)) (Signature/Date)

Approved for Registration (Supplemental Register) (Signature/Date)



Abandoned

(Date)

76242955

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

04/24/2001 SWILSON1 00000148 76242955

01 FC:361

325.00 OP

PTO-1555
(5/87)

TRADEMARK EXAMINATION WORKSHEET

☐ AMENDMENT STAGE☒ NO CHANGE☒ PUBLICATION/REGISTRATION STAGEName: Ernest Marfo L.O. 108Date 6/29/14Serial No. 76/247955

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)

	Amended	Data Element
Class Data	<input type="checkbox"/>	<input type="checkbox"/> Prime/International Class
	<input type="checkbox"/>	<input type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date
	<input type="checkbox"/>	<input type="checkbox"/> First Use in Commerce Date
Mark Data	<input type="checkbox"/>	<input type="checkbox"/> In Another Form
	<input type="checkbox"/>	<input type="checkbox"/> Certification
	<input type="checkbox"/>	<input type="checkbox"/> 1b
	<input type="checkbox"/>	<input type="checkbox"/> Pseudo Mark
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Word Mark
	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code
	<input type="checkbox"/>	<input type="checkbox"/> Design Search Code
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Scan Drawing
	<input type="checkbox"/>	<input type="checkbox"/> Mark Description
	<input type="checkbox"/>	<input type="checkbox"/> Disclaimer
Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling
	<input type="checkbox"/>	<input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/>	<input type="checkbox"/> Translation
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement
Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country
	<input type="checkbox"/>	<input type="checkbox"/> 44(d)
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Renewal Reg. Date
	<input type="checkbox"/>	<input type="checkbox"/> Owner Name
	<input type="checkbox"/>	<input type="checkbox"/> DBA/AKA/TA
	<input type="checkbox"/>	<input type="checkbox"/> Address 1
	<input type="checkbox"/>	<input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City
	<input type="checkbox"/>	<input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Citizenship
	<input type="checkbox"/>	<input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement
	<input type="checkbox"/>	<input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change
	<input type="checkbox"/>	<input type="checkbox"/> Amendment/Renewal
Other:	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use
	<input type="checkbox"/>	<input type="checkbox"/> Correction
	<input type="checkbox"/>	<input type="checkbox"/> Restriction
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Interference Statement
	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration
	<input type="checkbox"/>	<input type="checkbox"/> Attorney
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Domestic Representative
	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address

I certify that all corrections have been entered in accordance with text editing guidelines.

LIE

DATE

Other:

Brobeck

ATTORNEYS AT LAW

BROBECK, PHLEGER & HARRISON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CALIFORNIA 94105
direct 415.442.1301
fax 415.442.1010
COAKLEY@BROBECK.COM
WWW.BROBECK.COM

April 17, 2001

By U.S. Express Mail

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

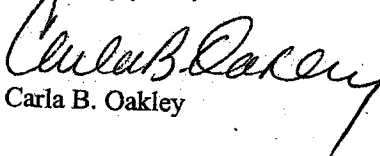
Re: New U.S. Trademark Application
Mark: REGIONS
Class(es): 33
Our reference: 031998.2090 MG

Dear Sir:

Enclosed for filing please find a Trademark/Service Mark Application, Principal Register for the above-identified trademark. Also enclosed is our check in the amount of \$325.00 and a postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 02-3950. A duplicate copy of this letter is enclosed for this purpose.

Very truly yours,


Carla B. Oakley

Enclosure

TRADEMARK
Docket No. 031998.2090 MG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Wineryexchange.com

Mark: REGIONS

Class(es): 33

Serial: Unassigned

Filing Date: Herewith

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 C.F.R. § 1.10

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

Express Mail Label No.: EL684871640US

Date of Deposit: April 17, 2001

I hereby certify that the attached transmittal (+ copy), application, power of attorney, declaration, drawing, our check for the amount of \$325.00 and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, and are addressed to BOX NEW APP FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Respectfully submitted,



Dennis L. Labaria

TRADEMARK
Docket No. 031998.2090 MG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: REGIONS

Class(es): 33

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**TRADEMARK/SERVICE MARK APPLICATION,
PRINCIPAL REGISTER, WITH DECLARATION**

APPLICANT NAME: Wineryexchange.com

APPLICANT BUSINESS ADDRESS: 1150 Bayhill Drive, Suite 215
San Bruno, California 94066

APPLICANT ENTITY: (Check one and supply requested information.)

- ☐ Individual – Citizenship (Country):
- ☐ Partnership – State where organized (Country, if appropriate):
Name and Citizenship (Country of General Partners):
- ☒ Corporation – State (Country, if appropriate) of Incorporation: California
- ☐ Other (Specify Nature of Entity and Domicile):

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 et seq., as amended) for the following goods/services:

Wine in International Class 33.

BASIS FOR APPLICATION: (Check one or more, but NOT both the first AND second boxes, and supply requested information.)

- ☐ Applicant is using the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. § 1051(a), as amended.) One specimen showing the mark as used in commerce is submitted with this application.
 - Date of first use of the mark anywhere:
 - Date of first use of the mark in commerce which the U.S. Congress may regulate:
- ☒ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. § 1051(b), as amended.)
- ☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d), as amended.
 - Country of foreign filing:
 - Date of foreign filing:
- ☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services and, accompanying this application, and a certification or certified copy of a foreign registration in accordance with 15 U.S.C. § 1126(e), as amended will be provided.
 - Country of registration:
 - Registration number:

POWER OF ATTORNEY

Applicant hereby appoints Rochelle D. Alpert, Carla B. Oakley, Savita N. Lepore, Leslie C. McKnew, Sue J. Nam, Clark T. Thiel, Carolyn B. Burton, Ronit M. Alcheck, and any and all attorneys at Brobeck, Phleger & Harrison LLP, all members of a bar of a state in the United States, as its attorneys with full power of substitution and revocation, to prosecute the application to register, and to transact all business in the Patent and Trademark Office in connection therewith and to receive the Certificate of Registration; provided that if any of such attorneys ceases being affiliated with the law firm of Brobeck, Phleger & Harrison LLP as shareholder, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all communications to:

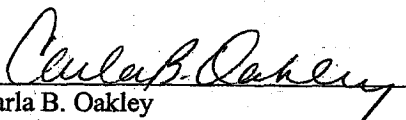
Carla B. Oakley
Brobeck Phleger & Harrison LLP
Spear Street Tower
One Market
San Francisco, California 94105

Please direct all telephone calls or e-mails to Carla B. Oakley at (415) 442-1301 or coakley@brobeck.com.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date: April 17, 2001


Carla B. Oakley
Attorney for Applicant Wineryexchange.com
Brobeck, Phleger & Harrison LLP
Spear Street Tower, One Market
San Francisco, California 94105
(415) 442-1301 (Phone)
(415) 442-1010 (Fax)
coakley@brobeck.com (email)

APPLICANT: Wineryexchange.com

ADDRESS: 1150 Bayhill Drive, Suite 215
San Bruno, California 94066

DATE OF FIRST USE: Based on intent to use.

FIRST USE IN COMMERCE: Based on intent to use.

GOODS/SERVICES: Wine in International Class 33.



04-17-2001

U.S. Patent & TMO/TM Mail Rpt Dt #72

REGIONS

TRADEMARK



76242955

Carla B. Oakley, Esq.
(415) 442-1301 or coakley@brobeck.com

Docket No. 031998.2090 MG

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 76/242955 Wineryexchange.com		APPLICANT		PAPER NO.	
MARK					
REGIONS					
ADDRESS CARLA B. OAKLEY BROBECK PHLEGER & HARRISON LLP SPEAR STREET TOWER ONE MARKET SAN FRANCISCO, CALIFORNIA 94105				ACTION NO. 01	
				MAILING DATE 11/06/01	
				REF. NO.	
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE		031998.2090	
ADDRESS: Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov					
If no fees are enclosed, the address should include the words "Box Responses - No Fee."					
Please provide in all correspondence:					
1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.					

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 76/242955

The examining attorney has reviewed the referenced application and has determined the following.

Search

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

Proposed Mark is Descriptive

The examining attorney refuses registration on the Principal Register because the proposed mark is merely descriptive of the identified goods. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP section 1209 *et seq.* The applicant's proposed mark is "REGIONS" for wine.

76/242955

-2-

"Region" is defined as a specified district or territory.¹ Wines are known for the specific territory where they are made or where the grapes are grown (see attached). A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b). The proposed mark appears to be descriptive of a feature of the identified goods, namely, wines hailing from a certain region.

A Lexis/Nexis search illustrates the descriptive nature of the proposed mark. A search of U.S. news articles for the term "wine" within one term of "region" found over one thousand stories. Articles found within this search illustrate the descriptive nature of the term as applied to the identified goods (See attached for random examples). Based on the above, the mark can not be registered on the Principal Register.

Request for Additional Information

The nature of the goods is not clear from the present record. The examining attorney requires information about the nature of the goods to determine whether all or part of the wording in the mark is merely descriptive as applied to the goods and to allow proper identification of the services in connection with which the applicant intends to use the mark. TMEP sec. 1105.02.

The applicant must submit samples of advertisements or promotional materials for good or services of the same type. If such materials are not available, the applicant must describe the nature, purpose and channels of trade of the goods or services with which the applicant has asserted a bona fide intent to use the mark. 37 C.F.R. Section 2.61(b); TMEP sections 1103.04 and 1105.02. In particular, any information whether or not the goods will indicate or have any other connection with specific wine regions must be submitted.

Trademark Rule 2.61(b) states "The examiner may require the applicant to furnish such information and exhibits as may be reasonably necessary to the proper examination of the application". The Trademark Trial and Appeal Board has upheld a refusal of registration based on the applicant's failure to provide information requested under this rule. *In re Babies Beat Inc.*, 13 USPQ2d 1729 (TTAB 1990)(failure to submit patent information regarding configuration).

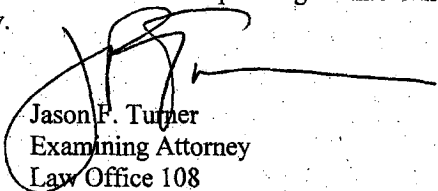
Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

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76/242955

-3-

If the applicant has any questions or needs assistance in responding to this office action, please telephone the assigned examining attorney.



Jason F. Turner
Examining Attorney
Law Office 108

(703) 308-9108 Ext. 129

(703) 308-7195 (Fax)

(703) 305-8747 (Status information)

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Newsday (New York, NY) November 5, 2001 Monday

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Newsday (New York, NY)

November 5, 2001 Monday ALL EDITIONS

SECTION: BUSINESS & TECHNOLOGY, Pg. C03

LENGTH: 816 words

HEADLINE: INSIDE STORIES;
Wedding Bells Sound Joy, Pain

BYLINE: Christian Murray and Jamie Herzlich

BODY:

... will showcase their wines, along with cuisine from top local restaurants that serve their wine.

"What we're trying to do is to raise the awareness of Nassau County residents of how close they are to one of the world's fastest-growing and most exciting **wine regions**," Lynn said.

PLANS ARE MOVING AHEAD on the much anticipated Millennium Centers for Convergent Technologies.

Insiders tells us that members of the Millennium planning consortium are scheduled to meet Nov. 15 to review the ...

Source: [All Sources](#) > / ... / > US News, Combined **f**

Terms: wine w/1 regions and date geq (10/30/2001) ([Edit Search](#))

View: KWIC ± 25

Date/Time: Monday, November 5, 2001 - 11:51 AM EST

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The San Francisco Chronicle NOVEMBER 4, 2001, SUNDAY,

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The San Francisco Chronicle

NOVEMBER 4, 2001, SUNDAY, FINAL EDITION

SECTION: CHRONICLE MAGAZINE; Pg. 28

LENGTH: 3007 words

HEADLINE: WINEMAKER OF THE YEAR;

And vintners on the rise who are behind the best wines

BYLINE: Gerald D. Boyd, Karola Saekel

BODY:

... survive and thrive.

-Karola Saekel

--- --

Philippe Melka

AGE: 35

WINERY: Independent winemaker/consultant

WINE TO SERVE TO AN IMPORTANT GUEST: Undecided - a Bordeaux or Bordeaux-style wine from any number of **wine regions**


So many wines, so many choices! That, in a nutshell, was Philippe Melka's response when asked what wine he would serve an important guest.

The question may have posed a genuine dilemma. Should he favor his ...

... thanks to the wine industry" for setting him on the right course, he says with a laugh.

After graduating in 1991, he went to work for a large French company with interests in many **wine regions** (their most prestigious holding in France is Chateau Petrus; in California, high-profile Dominus), a job that led to stints in France, Italy, Australia and California.

The Melkas' permanent move here, in ...

Source: [All Sources](#) > / ... / > US News, Combined 

Terms: wine w/1 regions and date geq (10/30/2001) ([Edit Search](#))

View: KWIC ± 25

Date/Time: Monday, November 5, 2001 - 11:51 AM EST

<http://www.lexis.com/research/retrieve? m=a6924f2f0c1b31550a5cb002e9b0eae9& browse1...> 11/5/01

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The News and Observer (Raleigh, NC) November 2, 2001 Friday,

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The News and Observer (Raleigh, NC)

November 2, 2001 Friday, FINAL EDITION

SECTION: WHAT'S UP; Pg. WUP16

LENGTH: 978 words


HEADLINE: Tally ho

BYLINE: Greg Cox, Restaurant Critic

BODY:

... expect, the draft beer selection leans heavily to British ales, from Newcastle Brown to Guinness Stout. The wine list is surprisingly varied for a pub, comprising three dozen reasonably priced labels from **wine regions** all over the world.

In the decade since The Fox & Hound first opened its doors, the number of pubs with an Old World flavor and Guinness on tap has grown exponentially. Many of them serve a ...

Source: [All Sources](#) > / ... / > US News, Combined 

Terms: wine w/1 regions and date geq (10/30/2001) ([Edit Search](#))

View: KWIC ± 25

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THE DALLAS MORNING NEWS, October 31, 2001

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The Dallas Morning News

October 31, 2001, Wednesday SECOND EDITION

SECTION: TEXAS TASTE; Pg. 1F

LENGTH: 2114 words

HEADLINE: Chianti Classico;
The black rooster is the sign of one of Tuscany's great red wines

SOURCE: Texas Taste Editor

BYLINE: CATHY BARBER

DATELINE: CHIANTI CLASSICO, Italy

BODY:
... wine in an evening, but a bottle of the precious olive oil will last for some time.

ON THE WEB

The website www.chianticlassico.com contains general information about the **wine and the region**. You can search for a particular winery; some have more information than others. Or you can search for a particular wine.

Winery site www.castellodibossi.it has a slide show of views around the vineyard and winery.

FOR MORE INFORMATION

E-mail info@chianticlassico.com for more information about the **wine and the region**.

Source: [All Sources](#) > /.../> US News, Combined **i**

Terms: wine w/1 regions and date geq (10/30/2001) ([Edit Search](#))

View: KWIC ± 25

Date/Time: Monday, November 5, 2001 - 11:51 AM EST

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Los Angeles Times October 31, 2001 Wednesday

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Los Angeles Times

October 31, 2001 Wednesday Home Edition

SECTION: Food; Part H; Page 4; Food Desk

LENGTH: 1247 words

HEADLINE:

Wine;
South Africa's Classic Sauvignon Blanc Country

BYLINE: ROD SMITH, SPECIAL TO THE TIMES

BODY:


... cellars and reestablish an export market. That has given a huge boost to the wine industry's evolution.

The prevalent impression of Africa is searing heat, which is not a good thing for fine wine, but the **wine regions** fanning inland from the Cape of Good Hope defy that stereotype. Between the warm Indian Ocean and the cold Atlantic, the fine, dry heat of the continent is tempered and shaped into excellent growing conditions.

The Indian Ocean is a ...

... South Africa's northwest coast.

The complex marine-influenced climate is reflected and amplified by diverse exposures and well-drained granite soils, producing a multifaceted range of wines. Among all the world's **wine regions**, only Margaret River in southwestern Australia is similarly situated. Not surprisingly, the wines of the Cape are generally similar to those of Margaret River: nicely fragrant with crisp, intense fruit, well-defined flavor, bracing ...

Source: [All Sources](#) > /.../> US News, Combined 

Terms: wine w/1 regions and date geq (10/30/2001) ([Edit Search](#))

View: KWIC ± 25

Date/Time: Monday, November 5, 2001 - 11:52 AM EST

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May 1, 2002

05-06-2002

BOX RESPONSES NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: U.S. Trademark Application No.: 76/242955
Mark: REGIONS
Class: 33
Our reference: 031998.2090

Dear Sir:

Enclosed for filing is a Response to Office Action No. 1 dated November 6, 2001 in connection with the above-referenced application. Also enclosed is our receipt verification postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required, or to credit any overpayment, to Deposit Account No. 02-3950. A duplicate copy of this letter is enclosed for this purpose.

Very truly yours,

Ronit Alcheck

Ronit M. Alcheck

Enclosure(s)

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ATTORNEYS AT LAW

May 1, 2002

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Ronit Alcheck

Ronit M. Alcheck

Enclosure(s)

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TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Mark: REGIONS

Serial No.: 76/242955

Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner

Law Office: 108

Office Action
Mailing Date: November 6, 2002

BOX RESPONSES NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

RESPONSE TO OFFICE ACTION NO. 1

This response is being filed in connection with Office Action No. 1 dated November 6, 2001. The Office Action has been carefully reviewed, and every effort has been made to put the application in condition for approval for publication.

STATEMENT OF OWNERSHIP

Applicant hereby advises the Examining Attorney that Applicant has changed its name since the REGIONS application was filed by Wineryexchange.com. Applicant thereafter changed its name to Winery Exchange, Inc. This name change was recorded with the United States Patent and Trademark Office on August 17, 2001 at Reel/Frame 002360/0338. Applicant respectfully requests that this name change be made of record so that the registration issues in the name of Winery Exchange, Inc.

REFUSAL UNDER SECTION 2(E)(1) OF THE TRADEMARK ACT

The Examining Attorney has refused to register the mark REGIONS pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), stating that the mark "appears to be descriptive of a feature of the identified goods, namely, wines hailing from a certain region." Applicant respectfully disagrees with the Examining Attorney's conclusion that Applicant's REGIONS mark is merely descriptive and not registrable on the Principal Register. To the contrary, Applicant submits that the term "region" has many meanings and that the mark REGIONS cannot be deemed merely descriptive of Applicant's wine. Moreover, Applicant respectfully submits that the mark REGIONS for wine is inherently distinctive and registrable on the Principal Register.

A. The Cited Evidence Does Not Support a Finding of Descriptiveness.

In support of his argument, the Examining Attorney has cited two Lexis/Nexis searches and a few articles that use the term "regions" in conjunction with the term "wine." In addition, the Examining Attorney has referred to one definition for the term "region." These various items do not establish that the term "region" merely describes Applicant's wine or has any one meaning.

With respect to the dictionary reference, *The American Heritage® Dictionary of the English Language*, which is cited by the Examining Attorney, provides six separate and distinct definitions for the term "region." In addition to being defined as "a specified district or territory," the term "region" has also been defined as:

- (1) A large, usually continuous segment of a surface or space; area;

- (2) A large, indefinite portion of the earth's surface;
- (3) An area of interest or activity; a sphere;
- (4) A part of the earth characterized by distinctive animal or plant life; and
- (5) An area of the body having natural or arbitrarily assigned borders.

Attached as Exhibit A is a true and correct copy of *The American Heritage® Dictionary of the English Language, Fourth Edition's* definition of the term "region."

Given that the term "region" can either be defined as a *specific* district or territory or an *indefinite* portion of the earth's surface, the plural of that term alone does not and cannot connote a feature or characteristic of Applicant's wine. In fact, the mark REGIONS does not identify a familiar or recognizable geographic area. As such, the proposed REGIONS mark does not describe that Applicant's wines are "hailing from a certain region" (emphasis added), as the Examining Attorney indicates in the office action. Since the term "regions" can be associated with either *specific* or *indefinite* territories or portions of the earth's surface, one could not determine whether either or both definitions might apply from the mark REGIONS, even when used in connection with wine. Moreover, given the fact that every product is either derived from some location or locations, the mark REGIONS cannot possibly be descriptive of any one type of product. It is well-settled that mere conclusions of descriptiveness, without more, are not sufficient to support a merely descriptive refusal under Section 2(e)(1) of the Trademark Act. See T.M.E.P. § 1106.07(a).

With respect to the Lexis/Nexis searches and articles using the term "wine" in the same sentence as the term "region," these articles do not describe or reference a particular wine specified with the REGIONS mark, nor do they compel the conclusion that the term REGIONS is merely descriptive of Applicant's products. See *In re Monotype Corp. PLC*, 14 U.S.P.Q.2d 1070, 1071 (T.T.A.B. 1989) ("the Examining Attorney is presumed to provide the best support of the refusal to register available from the source").

Moreover, there are various comparable words that are used in the same sentence as the term "wine" and are also used in marks for wine, but which have not been deemed descriptive. For example, a search of U.S. news articles for the terms "country" and "state" within one term of "wine" found over one thousand stories each. Attached as Exhibit B are true and correct copies of Lexis/Nexis searches for the term "wine" within one word and five words of the term "country" or "state." Nonetheless, there are a number of third party marks that incorporate these terms for use with alcoholic beverages, including wine. Attached as Exhibit C are printouts from the U.S. Trademark Electronic Search System for the following co-existing third party marks that are used in Class 33 for wine or spirits, where the term COUNTRY or STATE was not disclaimed:

COUNTRY COCKTAILS (with "COCKTAILS" disclaimed), U.S. Reg. No. 1,758,656 for "cordials," owned by Jack Daniel Distillery;

HILL COUNTRY CELLARS (with "CELLARS" disclaimed), U.S. Reg. No. 1,658,713, for "wines," owned by Hill Country Cellars, Inc;

MOUNTAIN COUNTRY CELLARS (with "CELLARS" disclaimed), U.S. Reg. No. 2,105,450, for "wines," owned by East-West Distributing Co.;

SUN COUNTRY, U.S. Reg. No. 1,357,084, for "a wine cooler," and LAKE COUNTRY, U.S. Reg. No. 1,080,563, for "wine," owned by Canandaigua Wine Company, Inc.;

CAPE COUNTRY, U.S. Reg. No. 2,299,953, for "wines," owned by Edward Cavendish & Sons Limited;

OCEAN STATE, U.S. Reg. No. ,1851,646, for "spirits; namely, gin, vodka, rum, flavored brandies, schnapps, tequila, triple sec and creme de menthe," owned by Jenkins Spirits Corporation, Ltd.;

THE COUNTRY VINTNER (with "VINTNER" disclaimed), U.S. Reg. No. 2,281,386, for "import agency and wholesale distributorship featuring wine, beer, water, drink mixes, cork screws, and menu covers," owned by Country Vintner, Inc.;

COUNTRY KWENCHER, U.S. Reg. No. 1,840,815, for "wines," owned by E. & J. Gallo Winery; and

COUNTRY DAWN, U.S. Reg. No. 1,155,029, for "wines," owned by Paul Masson, Inc.

Third party registrations with the same or similar term are entitled to some weight in determining whether a term should be disclaimed as descriptive. *See In re Fairfield Laboratories, Inc.*, 144 U.S.P.Q. 452, 453 (T.T.A.B. 1964). If the cited marks incorporating terms such as "country" and "state" are not found to be descriptive and can proceed to registration for use with wine or spirits, Applicant's mark, incorporating the comparable term "regions," should be allowed to proceed to registration. The mark REGIONS, which designates neither a specific nor an indefinite geographic area or areas, is not merely descriptive of Applicant's wine.

Based on the above, Applicant respectfully requests that the Examining Attorney withdraws his refusal under Section 2(e) with respect to Applicant's REGIONS mark.

B. The Term "REGIONS" Is Not Descriptive of Applicant's Services.

To be characterized as "descriptive," a term must immediately convey information about the qualities, characteristics or features of the product. *In re Abcor Development Corp.*, 588 F.2d 811, 813, 200 U.S.P.Q. 215, 217-18 (C.C.P.A. 1978). Moreover, the immediate idea must be conveyed with a "degree of particularity." *In re TMS Corporation of the Americas*, 200 U.S.P.Q. 57, 59 (T.T.A.B. 1978). On the other hand, a term is suggestive if it requires imagination, thought and perception to reach a conclusion as to the nature of the goods. *In re Gyulay*, 820 F.2d 1216, 1217, 2 U.S.P.Q.2d 1009 (Fed. Cir. 1987). The mark REGIONS, as used by Applicant herein, does not directly give potential customers any reasonably accurate description or distinct knowledge of Applicant's wines. Nothing about the mark REGIONS implies anything in particular about Applicant's wine.

Unless the term REGIONS clearly informs potential customers “only what the goods or services are, their function, their characteristics or their use,” the term is not merely descriptive. *In re Colonial Stores, Inc.*, 394 F.2d 549, 552 (C.C.P.A. 1968) (SUGAR & SPICE found not merely descriptive of bakery products); *see also In re Quik-Print Copy Shop, Inc.*, 616 F.2d 523, 525 n. 7 (C.C.P.A. 1980). Indeed, if one must exercise mature thought or follow a multi-stage reasoning process to determine characteristics of the goods or services, then the term is suggestive, not descriptive. *See McCarthy, J., and McCarthy on Trademarks and Unfair Competition* §11.67 (4th Ed. 1997).

In this case, because the REGIONS mark does not merely describe a particular product or, or type of product or service, its function, characteristics, or use, it cannot be deemed merely descriptive. It is clear that a certain amount of imagination and mental analysis remains necessary to connect the term REGIONS with Applicant’s wine. Therefore, Applicant submits that the REGIONS mark is arbitrary or at least cleverly suggestive of Applicant’s goods.

Moreover, while the Examining Attorney argues that wines are associated with specific regions, it can similarly be argued that all wines are associated with a country (such as France) or state (such as California). Nonetheless, as discussed above, there are numerous registered marks that include the terms “country” or “state” and these terms were not disclaimed. Similarly, it can be argued that all wines have a particular origin or relate to the earth. Nonetheless, the marks ORIGINS (U.S. App. Ser. No. 76/288332) and TELLURIAN (U.S. App. Ser. No. 76/307679) have been *allowed* to proceed to registration for use with wine. Attached as Exhibit D are printouts from the U.S. Trademark Electronic Search System for the marks ORIGINS and TELLURIAN.

Where a mark “stimulates speculation as to its intended meaning and leaves the mind in doubt,” it is not merely descriptive. *Ex parte Candle Vase, Inc.*, 105 U.S.P.Q. 73, 74

(Commissioner of Patents 1955) (CANDLE VASE not merely descriptive of flower holder adapted for fitting around the base of a candle in a candleholder). The term REGIONS, as used in Applicant's mark, certainly stimulates speculation as to its intended meaning, but given the fact that the term does not connote a discernable geographic area, the mark does not merely describe a feature of Applicant's goods. In short, the REGIONS mark is not merely descriptive of Applicant's wine. Any doubts regarding whether a term is merely descriptive are to be resolved in favor of the applicant. *See, e.g., In re Stroh Brewery Co.*, 34 U.S.P.Q.2d 1796, 1797 (T.T.A.B. 1994); *In re Conductive Sys., Inc.*, 220 U.S.P.Q. 84,86 (T.T.A.B. 1983).

Based on the above, Applicant respectfully requests that the Examining Attorney withdraw his objection and that the application proceed to publication.

REQUEST FOR ADDITIONAL INFORMATION

The Examining Attorney has requested information to clarify whether the goods offered under the REGIONS mark "will indicate or have any other connection with specific wine regions." Applicant does not have any samples of advertisements or promotional materials to submit at this time. Nonetheless, Applicant can inform the Examining Attorney that Applicant intends to use its mark with wine to be sold in traditional channels of trade for wine and spirits, including liquor stores, grocery stores, and wholesale distributors. In all events, Applicant respectfully submits that this information should not be considered relevant given that Applicant's REGIONS mark alone does not designate any familiar or discernable geographic area or other function, characteristic or use of the wine.

CONCLUSION

It is believed that Applicant has responded to all of the Examining Attorney's questions and objections and that the application is now in condition to proceed to publication. Should the Examining Attorney have any questions about the application or information contained herein, the Examining Attorney is invited to telephone or e-mail the undersigned at (415) 442-1301 or coakley@brobeck.com.

Dated: May 1, 2002

Respectfully submitted,

By: Ronit Alcheck
Ronit M. Alcheck
Attorney for Applicant
Winery Exchange, Inc.

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One Market
San Francisco, CA 94105
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(415) 442-1010 (fax)
ralcheck@brobeck.com (email)

Dictionary.com/regions

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1 entry found for **regions**.

re·gion Pronunciation Key (rĕ'jən)

n.

1. A large, usually continuous segment of a surface or space; area.
2. A large, indefinite portion of the earth's surface.
3. A specified district or territory.
4. An area of interest or activity; a sphere.
5. *Ecology.* A part of the earth characterized by distinctive animal or plant life.
6. An area of the body having natural or arbitrarily assigned boundaries: *the abdominal region.*

[Middle English, from Old French, from Latin *regiō*, *regiōn-*, from *regere*, *to rule*. See *reg-* in Indo-European Roots.]

Source: *The American Heritage® Dictionary of the English Language, Fourth Edition*

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Check Status

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Typed Drawing

Word Mark	COUNTRY COCKTAILS
Goods and Services	IC 033. US 049. G & S: cordials. FIRST USE: 19920201. FIRST USE IN COMMERCE: 19920201
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74290188
Filing Date	July 1, 1992
Published for Opposition	December 22, 1992
Registration Number	1758656
Registration Date	March 16, 1993
Owner	(REGISTRANT) JACK DANIEL DISTILLERY, LEM MOTLOW, PROP., INC. CORPORATION KENTUCKY Lynchburg TENNESSEE 37352 (LAST LISTED OWNER) JACK DANIEL'S PROPERTIES, INC. CORPORATION BY MERGER WITH DELAWARE 4040 CIVIC CENTER DRIVE, SUITE 528 SAN RAFAEL CALIFORNIA 94903
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	DAVID S GOODER
Prior Registrations	1630258; AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COCKTAILS"

<http://tess.uspto.gov/bin/showfield?f=doc&state=v1mj7g.13.1>

4/26/2002

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Page 2 of 2

Type of Mark APART FROM THE MARK AS SHOWN
Register TRADEMARK
Affidavit Text PRINCIPAL
Live/Dead SECT 15. SECT 8 (6-YR).
Indicator LIVE

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Typed Drawing

Word Mark	HILL COUNTRY CELLARS
Goods and Services	IC 033. US 047. G & S: wine. FIRST USE: 19900725. FIRST USE IN COMMERCE: 19910430
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74025949
Filing Date	February 5, 1990
Filed ITU	FILED AS ITU
Published for Opposition	August 14, 1990
Registration Number	1658713
Registration Date	September 24, 1991
Owner	(REGISTRANT) Hill Country Cellars, Inc. CORPORATION TEXAS P.O. Box 26146 Austin TEXAS 787550146
Attorney of Record	Richard J. Groos
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELLARS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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4/26/2002



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Typed Drawing

Word Mark MOUNTAIN COUNTRY CELLARS
Goods and Services IC 033. US 047 049. G & S: wines. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19830000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75186758
Filing Date October 24, 1996
Published for Opposition July 22, 1997
Registration Number 2105450
Registration Date October 14, 1997
Owner (REGISTRANT) East-West Distributing Co. CORPORATION ILLINOIS 200 Wilmot Road Deerfield ILLINOIS 60015
Attorney of Record ROBERT R DELANEY JR
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELLARS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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TESS - Document Display

Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

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Typed Drawing

Word Mark SUN COUNTRY

Goods and Services IC 033. US 047. G & S: A WINE COOLER. FIRST USE: 19840301. FIRST USE IN COMMERCE: 19840301

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73473323

Filing Date April 2, 1984

Published for Opposition June 18, 1985

Registration Number 1357084

Registration Date August 27, 1985

Owner (REGISTRANT) CANANDAIGUA WINE COMPANY, INC. CORPORATION
DELAWARE 116 BUFFALO STREET CANANDAIGUA NEW YORK 14424

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record STEPHEN L. BAKER

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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4/26/2002

TESS - Document Display

Page 1 of 2



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Typed Drawing

Word Mark	CAPE COUNTRY
Goods and Services	IC 033. US 047 049. G & S: wines
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75582415
Filing Date	November 5, 1998
Published for Opposition	September 21, 1999
Registration Number	2299953
Registration Date	December 14, 1999
Owner	(REGISTRANT) Edward Cavendish & Sons Limited LIMITED LIABILITY COMPANY UNITED KINGDOM 1 Park Court, Abbey Park Hampshire SO 51 9AQ UNITED KINGDOM
Attorney of Record	LAWRENCE E A POLZON
Section 44 Indicator	SECT44
Prior Registrations	2029633
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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4/26/2002

TESS - Document Display

Page 1 of 2



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Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 26 04:10:35 EDT 2002

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Word Mark	OCEAN STATE
Goods and Services	IC 033. US 049. G & S: spirits; namely, gin, vodka, rum, flavored brandies, schnapps, tequila, triple sec and creme de menthe. FIRST USE: 19890800. FIRST USE IN COMMERCE: 19890800
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	070309 200310 261321
Serial Number	74384292
Filing Date	April 26, 1993
Published for Opposition	June 7, 1994
Registration Number	1851646
Registration Date	August 30, 1994
Owner	(REGISTRANT) Jenkins Spirits Corporation, Ltd. CORPORATION NEW HAMPSHIRE P. O. Box 6128 Manchester NEW HAMPSHIRE 03108
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

<http://tess.uspto.gov/bin/showfield?f=doc&state=v1mj7g.10.1>

4/26/2002

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Page 2 of 2

Record	Daniel J. Bourque
Description of Mark	The mark consists of the words "OCEAN STATE" above a lighthouse situated on rocks with the ocean in the background.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Page 1 of 2



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Typed Drawing

Word Mark	THE COUNTRY VINTNER
Goods and Services	IC 035. US 100 101 102. G & S: import agency and wholesale distributorship featuring wine, beer, water, drink mixes, cork screws, and menu covers. FIRST USE: 19800801. FIRST USE IN COMMERCE: 19800801
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75525971
Filing Date	July 27, 1998
Published for Opposition	July 6, 1999
Registration Number	2281386
Registration Date	September 28, 1999
Owner	(REGISTRANT) COUNTRY VINTNER, INC., THE CORPORATION VIRGINIA 1655 Broad Street Road Post Office Box 217 Oilville VIRGINIA 231290217
Attorney of Record	Anthony F. Vittone
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINTNER" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Page 1 of 1



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TESS was last updated on Fri Apr 26 04:10:35 EDT 2002

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Check Status*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*Typed Drawing

Word Mark COUNTRY KWENCHER
Goods and Services IC 033. US 047. G & S: wines. FIRST USE: 19750000. FIRST USE IN COMMERCE: 19750000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74423704

Filing Date August 12, 1993

Published for Opposition March 29, 1994

Registration Number 1840815

Registration Date June 21, 1994

Owner (REGISTRANT) E. & J. GALLO WINERY CORPORATION CALIFORNIA
600 Yosemite Boulevard Modesto CALIFORNIA 95354

Attorney of Record Paul W. Reidl

Prior Registrations 0980476

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Page 1 of 1



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Typed Drawing

Word Mark	COUNTRY DAWN
Goods and Services	IC 033. US 047. G & S: Wine. FIRST USE: 19790405. FIRST USE IN COMMERCE: 19790405
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73217510
Filing Date	May 29, 1979
Published for Opposition	February 24, 1981
Registration Number	1155029
Registration Date	May 19, 1981
Owner	(REGISTRANT) Paul Masson, Inc. a.k.a. Paul Masson Vineyards CORPORATION CALIFORNIA 13150 Saratoga Ave. Saratoga CALIFORNIA 95070
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Page 1 of 1



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Typed Drawing

Word Mark	ORIGINS
Goods and Services	IC 033. US 047 049. G & S: Wine
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76288332
Filing Date	July 20, 2001
Filed ITU	FILED AS ITU
Published for Opposition	December 25, 2001
Owner	(APPLICANT) Winery Exchange, Inc. CORPORATION CALIFORNIA 35 Leveroni Court Suite 100 Novato CALIFORNIA 94949
Attorney of Record	Carla B. Oakley
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Page 1 of 1



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Typed Drawing

Word Mark	TELLURIAN
Goods and Services	IC 033. US 047 049. G & S: Wine
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76307679
Filing Date	August 31, 2001
Filed ITU	FILED AS ITU
Published for Opposition	January 22, 2002
Owner	(APPLICANT) Winery Exchange, Inc. CORPORATION CALIFORNIA 35 Leveroni Court, Suite 100 Novato CALIFORNIA 94949
Attorney of Record	Carla B. Oakley
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Mark: REGIONS

Serial No.: 76/242955

Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner

Law Office: 108

Office Action

Mailing Date: November 6, 2002


CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

BOX RESPONSES NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

I hereby certify that the attached Response to Office Action No. 1 and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: RESPONSES NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3513, on May 1, 2002.

Respectfully submitted,


Nettie Miller

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

SERIAL NO. 76/242955 Winervexchange.com		APPLICANT		PAPER NO.	
MARK REGIONS				ADDRESS: Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513	
ADDRESS CARLA B. OAKLEY BROBECK PHLEGER & HARRISON LLP SPEAR STREET TOWER ONE MARKET SAN FRANCISCO, CALIFORNIA 94105				If no fees are enclosed, the address should include the words "Box Responses - No Fee." Please provide in all correspondence:	
FORM PTO-1525 (5-90)				U.S. DEPT. OF COMM. & TM OFFICE	
ACTION NO. 02				MAILING DATE 07/01/02	
REF. NO. 031998.2090				1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.
For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 76/242955

The examining attorney has reviewed the submitted amendments and arguments in favor of registration contained in the response to the first Office action. The amendment to the recitation has been entered into the record. The examining attorney has determined the following.

Refusal is Maintained

Registration was refused under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), because the proposed mark is merely descriptive of the identified services. The applicant's proposed mark is "REGIONS" for wine.

The applicant submits several arguments in favor of registration. The main arguments are, in essence, that the proposed mark does not directly describe the goods, that there are other definitions of the proposed mark, and that third party registrations for different marks illustrate that the proposed mark should be allowed in this instance.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(e)(1) is maintained and made **FINAL**.

75/190969

-2-

As the Trademark Act Section (2)(e)(1), 15 U.S.C. 1052(e)(1) states:

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it . . .

(e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them . . .

The proposed mark "Region" is defined as a specified district or territory.¹ A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b). As applied to the goods, the term appears to be descriptive of an aspect of the goods, namely, where the goods originate. In fact, some wines are named for the region from which they originate.²

The applicant argues that there are several different definitions of "region." However, the examining attorney must consider descriptiveness in relation to the relevant goods or services. The fact that a term may have different meanings in another context is not controlling on the question of descriptiveness. *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979). TMEP §1209.03(e).

The applicant argues and submits several third party registrations for different terms to indicate that the proposed mark in question should be allowed. However, third-party registrations are not conclusive on the question of descriptiveness. The examining attorney must consider each case on its own merits. A mark which is merely descriptive is not registrable merely because other similar marks appear on the register. *In re Scholastic Testing Service, Inc.*, 196 USPQ 517 (TTAB 1977). TMEP §1209.03(a). In addition, it should be noted that none of the marks selected by the applicant have the term "regions" as applied to wine nor do they claim the term the applicant syllogistically argues for alone (For example, the marks are all "country" or "state" combined with an additional term (Response p. 4).

The applicant also argues that the proposed mark does not directly describe the identified goods. The examining attorney submits that the mark both immediately conveys and describes a characteristic of the applicant's goods, namely, a commonly used term identifying where the wine originates. *In re Orleans Wines, Ltd.*, 196 USPQ 516 (TTAB 1977). It should be noted that it is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods or services to be merely descriptive. It is enough if the term describes an attribute of the goods, as it clearly does in this instance. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979);

¹ *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

² Such as Champagne and Bordeaux originating in the Champagne and Boudreaux regions of France. See map of France from *The Essential Wine Book* (2001) attached.

75/190969

-3-

In re H.U.D.D.L.E., 216 USPQ 358 (TTAB 1982); *In re MBAAssociates*, 180 USPQ 338 (TTAB 1973), *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987).

An examination of what appears to be the applicant's website further illustrates the descriptive nature of the proposed mark as applied to the goods. Within the website "www.wineryexchange.com," several references are made to wine regions. The website states:

"Winery Exchange is the global supplier of top quality corporate brands from noted *wine producing regions*. With offices in each of these *regions*, we maintain . . ." (italics and bold added, attached)

-and-

"We also understand the nuances of all the different *wine regions* and are able to capitalize on the strength of each *region*." (italics and bold added attached)

The website also provides links to and information on regional weather that might affect the wines of a particular region.

A Lexis/Nexis search further illustrates the descriptiveness of the term as applied to grocery store services. A search for "wine region" in U. S. news articles found over a thousand stories. Articles found within a focused search for "wines" within five terms of "wine region" (finding over eight hundred stories) illustrate the descriptiveness of the term as applied to wine. (See for random examples, The Pittsburgh Post-Gazette, June 27, 2002, at x-7, attached, The Capital, June 26, 2002, at C1, attached, The Record, June 26, 2002, at F02, attached, The Press-Enterprise, June 21, 2002, at AA24, attached, The Oregonian, June 18, 2002, at FD01, attached, The Gazette, June 16, 2002, attached, The Buffalo News, May 29, 2002, at D1, attached and others attached). These articles illustrate the descriptive nature of the proposed mark.

The Essential Wine Book (2001) by Oz Clarke further illustrates the descriptive nature of the proposed mark. As stated on the back cover:

"Each chapter of the book explores a different *wine producing region* of the world and includes:

- A lively introduction to the *region*, with useful maps and a full description of the grape varieties cultivated and wine styles produced
- Evocative *descriptions* of the taste of the *region's wines*. . . (bold and italics added)

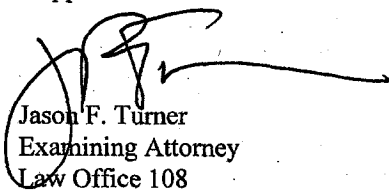
Please see the attached additional copies from the book illustrating descriptive use of the term regions in identifying and describing various wines. Based on the above, the mark can not be registered on the Principal Register as it is merely descriptive of a characteristic of the identified goods.

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal

75/190969

-4-

Board. 37 C.F.R. Section 2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. Section 2.65(a).



Jason F. Turner
Examining Attorney
Law Office 108
(703) 308-9108 ext. 129

WineryExchange

Page 1 of 2

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- **Over a Barrel: The Art of Making the Containers for Aging Wine is Expanding from France to Napa, Sonoma**
(San Francisco Chronicle - North America - 06/28/02)
- **Is the Bottom Dropping out of the Chardonnay Market?**
(St. Helena Star - North America - 06/28/02)
- **Australia Achieved another Record Grape Harvest**
(Tiz Wine - Australia/New Zealand - 06/28/02)
- **New Zealand Report Summarises 'Evidence for Health Benefits of Wine'**
(Tiz Wine - Australia/New Zealand - 06/28/02)
- **BRL Hardy's US Joint Venture with Constellation Brands Starting to Pay Dividends with Australian Wine Maker**
(Industry Search - Australia/New Zealand - 06/28/02)
- **Wine Institute's 27-Year President to Vacate Top Position; Makes Way for President George W. Bush's Brother-In-Law Robert Koch**
(St. Helena Star - North America - 06/28/02)

[More Industry News](#)

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WineryExchange and how
we can improve our
services.



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WineryExchange : The Exchange

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Exchange Statistics

- Over 4,000 Exchange Members
- 47 Countries Represented
- USA: 78% of total production represented
- Australia: 76% of total production represented
- Chile: 53% of total production represented
- New Zealand: 55% of total production represented

Wine Info Center

Now available at the [Wine Industry Information Center](#)



Premium WineScan

Reports on consumer premium wine purchases in food stores. Exclusively offered by ACNielsen/Adams and WineryExchange.



Data mining technology to sharpen your depletion strategies.

Resources

[Resources](#) offers useful



Corporate Brands

Strength in Partnership

Winery Exchange is the global supplier of top quality corporate brands from noted wine producing regions. With offices in each of these regions, we maintain strong relationships with wineries throughout the world, enabling retailers to effectively capitalize on popular varietals, wine styles, and emerging trends.

Winery Exchange partners with retailers to understand their business needs and mutually develop unique and targeted brands to ensure success. With no pre-disposition to sell existing inventories or brands, Winery Exchange recognizes market opportunities as the key driver for brand development.

One Stop Shop

Leveraging offices in California, Australia, New Zealand, Chile, Argentina and Europe, Winery Exchange is able to fulfill the needs of wine retailers around the world with wines from every major Country of Origin. In addition, Winery Exchange maintains Production, Winemaking, Marketing, Compliance, Logistics, and Sales expertise at our headquarters office in California.

Experienced Team

The Winery Exchange team has over 150 years of combined wine industry experience.

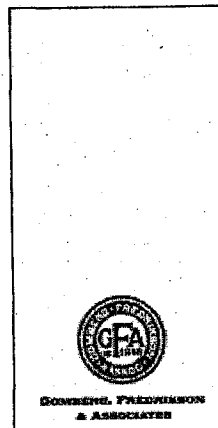
We have expertise in winemaking, supply chain management, logistics, legal compliance, trademark registration, finance, brand building and marketing, and finally, a world-class global retail sales team.

Private Label Focused

Our focus on private labels is unique in the wine industry. These private labels yield a higher margin and lower direct and indirect costs to both the retailer and the consumer.

We are here to help you capitalize on the global trend towards private labels in the retail sector.

Demand Driven



WineryExchange : The Exchange

Page 2 of 2

resources for the wine industry, including:

- Wines & Vines Buyer's Guide Online Directory
- Trade Associations
- Industry Links
- Events

As an exclusive brand builder we are not burdened with inventories and we do not position our brands over those of our clients. We are not reliant on or restricted to our own brands like some of the large wine conglomerates. Instead, we satisfy the needs of our retail customers through tailor-made wine brands.

Global Supply Base

Winery Exchange has no pre-disposition to sell existing inventories or brands, nor are we linked to only one supplier. Winery Exchange recognizes market opportunities as the driver for brand development. Because of this flexibility, we are capable of capturing pricing opportunities and trends. We also understand the nuances of all the different wine regions and are able to capitalize on the strengths of each region.

Quality Driven

We source from the top quality suppliers in every country. In fact, we are in contact with twenty-five percent of the best suppliers in each wine-producing country. This allows you, the retailer, to locate and secure a high-quality wine that matches your own particular needs. We also provide quality control with experienced personnel at the source.

Innovative Marketing Approach

Through our proprietary six-step global brand development methodology, we create brand equity for your private label based on extensive research and benchmarking. We don't just provide a bottle and a label; we deliver a true brand to rival any other. As diversified brands struggle for diminishing marketing dollars, we provide speed to market as well as a comprehensive, worldwide distribution network.

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SERVING THE WINE INDUSTRY FROM THE GROUND UP™

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- [American Viticultural Areas](#)
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GOMBERG, FREDRICKSON & ASSOCIATES

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GAINING PROGRESS THROUGH SERVICESFederal Tax information from [the Federation of Tax Administrators \(FTA\)](#)

- [State Wine Excise Tax Rates](#)

Information from [the International Trade Administration](#)

- [Tariffs, Taxes and Other Fees Applied to Wine Imports](#)
- [U.S. Wine Exports](#)
- [U.S. Wine Imports](#)

Other Federal Resources

- [Federal Trade Commission](#)
- [Foreign Agriculture Service, USDA](#)
- [Wine Institute Alcoholic Beverage Control Authorities](#)

California State GovernmentCalifornia statistical data from [the California Agricultural Statistics Service \(CASS\)](#)

- [California Acreage Report](#)
- [California Crop Report](#)
- [California Grape Crush Report](#)
- [California Grape Pricing District Map](#)

Other California Resources

- [California Department of Food and Agriculture \(CDFA\)](#)
- [California Department of Alcohol Beverage Control](#)

California Universities and Libraries

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Page 2 of 2

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- [University of California Davis, Viticulture and Enology](#)
- [University of California Davis, Shields Library](#)
- [University of California Berkeley, Agricultural & Resource Economics](#)
- [University of California Berkeley, Giannini Foundation of Agricultural Economics Library](#)
- [Sonoma County Wine Library](#)

United States Industry Links

Agricultural Real Estate Services - [CalWineLand](#)

Regional Weather and Disease Risk Maps - [Terra Spase](#)

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Pittsburgh Post-Gazette

June 27, 2002 Thursday REGION EDITION

SECTION: FOOD, Pg.X-7**LENGTH:** 604 words**HEADLINE:** EXCEPTIONAL REDS INVITE DISCRIMINATING PALATES**BODY:**

... at the store that you frequent, please ask the store manager to locate the wine for you.

Highly Recommended and Great Value

Outstanding (90--94)

* 1996 Fontanafredda Ampelio Chardonnay (\$7.99; PLCB Specialty 9177)

This **wine** comes from the Langhe **wine region** of Italy, in the southern part of Piedmont. The wine displays varietal apple and peach fruit with some spice in the nose. The flavors are rich with nice buttery fruit and spice. A few years of bottle ...

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The Capital (Annapolis, MD) June 26, 2002 Wednesday

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The Capital (Annapolis, MD)

June 26, 2002 Wednesday

SECTION: FOOD; Pg. C1

LENGTH: 697 words

HEADLINE: WINE, ETC.;
Summer the time to test chardonnay alternatives

BYLINE: TOM MARQUARDT AND PATRICK DARR

BODY:

... writers are writing about this summer. So, if we all just stick together, somehow we'll manage to get through the summer without drinking Bordeaux.

For now, let's just talk about several **wine regions** that produce ideal summer **wines**.

It seems like everyone has discovered pinot gris by now. In Italy it's pinot grigio and in Alsace it's pinot blanc and pinot gris. They are all as related as the Kennedy's, so ...


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June 26, 2002 Wednesday All Editions

SECTION: FOOD; BUY OF THE WEEK; Pg. F02**LENGTH:** 286 words**HEADLINE:** BUY OF THE WEEK**BYLINE:** JOHN FOY**BODY:**

... lesson.

The French government gave moral, material, and political assistance throughout our war of independence. Following the Revolutionary War, Benjamin Franklin and Thomas Jefferson served as ambassadors in Paris, allowing them to explore France's **wine regions** and ship **wines** to their respective homes in Philadelphia and Virginia.

Charles de Fere is a French sparkling wine made by Jean-Louis Denois. Raised near the Champagne region and trained in Burgundy, Monsieur ...

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THE PRESS-ENTERPRISE (RIVERSIDE, CA.) June 21, 2002, Friday

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THE PRESS-ENTERPRISE (RIVERSIDE, CA.)

June 21, 2002, Friday

SECTION: THE GUIDE; Pg. AA24**LENGTH:** 970 words**HEADLINE:** Pechanga casino adds to activities for visitors: There are 15 wineries in the Temecula area and more than 600 antique dealers**BYLINE:** CECILIA M. GOMEZ; THE PRESS-ENTERPRISE**BODY:**

... year and wine-tasting classes," says Linda Kissam, executive director of the Temecula Valley Winegrowers Association. "It doesn't matter what level of wine appreciation you are. You'll learn a little bit about **wines** and vineyards and the **wine regions**."

A shuttle service will be available soon to take visitors from winery to winery. For now, limousine services are offered for a fee.

Kissam said, "It's nice to connect with the romance of the wineries. ...

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The Oregonian June 18, 2002 Tuesday

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June 18, 2002 Tuesday SUNRISE EDITION

SECTION: FOODDAY; Pg. FD01

LENGTH: 2269 words

HEADLINE: HONOR ROLL:

SOURCE: AMY MARTINEZ STARKE - The Oregonian

BODY:

... 1966, when the term "Oregon wine" sounded like a joke, Lett established The Eyrie (eye-ree) Vineyards. He was the first vintner in Oregon to produce pinot gris.

He established Oregon as an important **wine region** when **his wine** outperformed some of the top burgundies in a blind tasting in Paris in the 1970s. As the story goes, the French were so upset they set up another tasting -- and he did it again. Eyrie's pinot ...

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☒ Select for FOCUS™ or Delivery*The Gazette (Colorado Springs) June 16, 2002, Sunday*

Copyright 2002 Knight Ridder/Tribune Business News
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 The Gazette (Colorado Springs)

June 16, 2002, Sunday

KR-ACC-NO: GT-WINERY**LENGTH:** 1235 words**HEADLINE:** Winemaker's Business Thrives in Colorado**BYLINE:** By Bill McKeown**BODY:**

... see it ever challenging California or even Washington in the quantity of wine produced. But they say there's no reason Colorado can't develop a boutique wine industry much like Oregon's, producing **wine** the equal of any in this country or from the **wine regions** of Europe.

"The public's perception is that Colorado is all about mountains and snow," said Stephen Smith, owner of Grande River Vineyards near Grand Junction. "It's just convincing people that the same kind of mountainous ...

... Vineyard owner Smith said the biggest complaint he hears about Colorado wines is not the quality but the price. People question how a Colorado wine can be priced as high -- or higher -- than premium **wines** from well-known **wine regions**.

Smith said the bottom line is that making wine is expensive: You have to grow or buy grapes, harvest them, transport them, ferment them in large stainless steel tanks and, in the case of red wines, let the grapes sit ...

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The Buffalo News May 29, 2002 Wednesday, FINAL EDITION

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May 29, 2002 Wednesday, FINAL EDITION

SECTION: FOOD, Pg.D1

LENGTH: 1061 words

HEADLINE: THE REIGN OF SPAIN;
SPANISH WINES HAVE ASCENDED TO THE TOP OF MANY WINE-LOVERS' LISTS

BYLINE: JANICE OKUN; News Food Editor

BODY:

... Others sell for much more, including those made from the Tempranillo grape, which can sell for more than \$50 a bottle.

This is the major grape of the Rioja and the Ribera del Duero, Spain's best-known **wine regions**. Wine guides tell you that the Tempranillo generates deep-colored wines with characteristics of strawberry and spice. Sometimes it is blended with other grapes and usually produces wines that are intense.

Though Spain has historically been known for red ...


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The Houston Chronicle May 27, 2002, Monday

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The Houston Chronicle

May 27, 2002, Monday 2 STAR EDITION

SECTION: HOUSTON; Pg. 2

LENGTH: 151 words

HEADLINE: COMING UP WEDNESDAY

SOURCE: Staff

BODY:

... not just of farms but of pie charts, graphs and global-trading patterns, it's clearly not your grandmother's fruits and vegetables anymore.


Bordeaux is known not only as the most revered French **wine** from the most revered French **wine region** - but as one of the world's most expensive acts of pampering. Wine writer Michael Lonsford points out, however, that there are some values to be spotted among the vines.

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The New York Times, May 21, 2002

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The New York Times

May 21, 2002, Tuesday, Late Edition - Final

SECTION: Section A; Page 4; Column 3; Foreign Desk

LENGTH: 904 words

HEADLINE: Villany Journal;
Harvesting the Fruits Of Capitalism: Grapes

BYLINE: By IAN FISHER

DATELINE: VILLANY, Hungary

BODY:

... experts in wine," said Gergo Csonka, 24, a waiter who had just downed samples of four different wines, then had more with lunch, on a tour of one of Hungary's top red **wine regions**. "But we are great fans of quality **wine**."


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Los Angeles Times

May 19, 2002 Sunday Home Edition

SECTION: Travel; Part L; Page 5; Features Desk**LENGTH:** 1291 words**HEADLINE:** Tours & Cruises;
Paths of Literary Greats in England and Wales**BYLINE:** KARIN ESTERHAMMER, TIMES STAFF WRITER**BODY:**

... visit to the Salvador Dali Museum in Figueres, where the surrealist artist spent his final years. The tour continues to Zaragoza and historic Pamplona.

Two nights are spent in Pamplona, with a daytime excursion to the nearby **wine region** of La Rioja for a **wine** tasting and luncheon. The Guggenheim Museum in Bilbao is a stop on the way to San Sebastian, the resort town on the Cantabrian Sea.

The tour returns to Madrid via Burgos, known for its impressive ...

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San Antonio Express-News

May 1, 2002, Wednesday , METRO

SECTION: FOOD; Pg. 1F**LENGTH:** 1502 words**HEADLINE:** The STATE of WINE ;Texas vineyards growing in number, respect**BYLINE:** Bonnie Walker and John Griffin

... climate than the chardonnay, cabernet and merlot that most Texas growers have gone for - grapes such as Italy's sangiovese, Spain's tempranillo and grenache, and varieties from the Rhone regions such as syrah, mourvedre, viognier and carignan.

"There also are some fine red **wines** coming from the Duoro (Spain and Portugal) **wine region**," de Luna added. Among these grapes are touriga nacional, tinta roriz (tempranillo), tinta barroca and tinta cao.

Jim Johnson of Alamosa Wine Cellars also has advocated going beyond the conventional planting of merlot and ...

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Sacramento Bee April 3, 2002, Wednesday

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Sacramento Bee

April 3, 2002, Wednesday METRO FINAL EDITION

SECTION: TASTE; Pg. F1

LENGTH: 1227 words

HEADLINE: Writers muse over the fruits of labor, love

BYLINE: Mike Dunne Bee Food Editor


BODY:

... it if we hadn't worked in the trenches for so long, doing the unglamorous scut work of trying to remake society. This is a glorious period for us; it's very sweet.

Q: What's the most underappreciated **wine or wine region?**

Dorothy: Muscadet; there's not a better food wine. And beaujolais; it's fruity and goes with anything.

John: Real Chablis, and real chianti, the good stuff, the stuff that is \$18, \$20, \$22. There are so many ...

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The San Luis Obispo Tribune

April 14, 2002 Sunday TRIBUNE EDITION

SECTION: CC LIVING; Pg. H1**LENGTH:** 1416 words**HEADLINE:** WINE TASTING 101;

TANNINS, TEARS AND TRILLS;

IT'S ENOUGH TO MAKE ANY AMATEUR SELF-CONSCIOUS. LUCKILY, THERE ARE COURSES THAT CAN HELP WINE TASTING

BYLINE: Joe Brekke, The Tribune**BODY:**

When I moved to San Luis Obispo a couple of years ago -- unexpectedly landing in one of the state's fastest-growing **wine regions** -- I decided to explore the world of **wine** tasting. Like many new arrivals, I felt obligated to learn a little winespeak to impress visiting relatives.

Growing up in Minnesota, my first wine-tasting experiences took ...

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Saint Paul Pioneer Press April 26, 2002 Friday

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Saint Paul Pioneer Press

April 26, 2002 Friday

SECTION: EAT!; Pg. 1F

LENGTH: 382 words

HEADLINE: More good restaurants are stocking bottles under \$20. Hopefully, it's a trend.

BYLINE: GITA SITARAMIAH Pioneer Press

BODY:

... at \$20 and under, depending on the type of restaurant," says the Minneapolis restaurateur.

Still, you might have to do a little digging to find reasonable bottles of wine. Start by choosing restaurants carefully. Scan the **wine** lists with an open mind to **wines and regions** you've never heard of and ask a lot of questions, especially if you think a server is trying to push expensive bottles simply to increase his tip.


"If you're at a restaurant where wine is really important, nine ...

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Found on SunHerald.com

The Sun Herald (Biloxi, MS)

April 18, 2002 Thursday MARQUEE EDITION

SECTION: MARQUEE; Pg. M18**LENGTH:** 699 words**HEADLINE:** WHEN CHIANTI CHANGES WITH THE TIMES, CLASSICO RECIPE GETS LEFT BEHIND**BYLINE:** TOM HYLAND, KNIGHT RIDDER NEWSPAPERS**BODY:**

... sauvignon.

"I'm firmly convinced that if I would produce, just as an example, a pure cabernet franc (another international variety)," he says, "such wine would keep a Tuscan character, very different from a similar wine produced in another wine region."

Not every producer in Chianti Classico is going international. At Villa Dievole in Vagliagli, owner Mario Schwenn has concentrated on traditional varieties. Schwenn purchased the estate in 1986 and ...

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Black Enterprise, June, 1997

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June, 1997

SECTION: VERVE (R); Consumer Advice; Pg. 337

LENGTH: 824 words

HEADLINE: Choosing the right wine

BYLINE: Eunice Fried, EDITED BY Valerie Lynn Gray

BODY:

... grape and has a gentle, strawberry- or cherry-like flavor. Unlike Cabernet Sauvignon and Merlot, which grow well in many parts of the world, Pinot Noir is a fragile grape, and only a few **wine regions** outside of Burgundy -- Oregon, New Zealand and cooler regions of California -- really succeed with it. But a really good one makes a great impression.

Burgundy's highly honored white wines are made of Chardonnay, ...

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Black Enterprise, October, 1993

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October, 1993

SECTION: WINES AND SPIRITS; Pg. 149**LENGTH:** 588 words**HEADLINE:** VINTAGES FROM DOWN UNDER**BYLINE:** BY EUNICE FRIED**HIGHLIGHT:**

Australian imports are gaining favor among wine lovers

BODY:

Barely a dozen years ago, Australia's wines were thought of as either rough-edged reds or as cheap, sweet and fortified. Then, in the early 1980s, a new and greatly improved generation of Australian wines burst upon the American scene with such force they made us take another taste. We tried them, liked them and have been consuming the wines from "Down Under" ever since. Australia had no native grapes when European settlers arrived in 1788. But within a few years, the newcomers brought vines and began planting the country's first vineyards. Today, Australia is making its mark with a wide range of well-made, well-known varietal wines -- Chardonnay, Sauvignon Blanc and Riesling white wines, and Cabernet Sauvignon, Pinot Noir and Merlot reds. Many of its finest wines are those made from the two grapes that Australia began planting early last century: Shiraz, the red Syrah of France's Rhone Valley (sometimes labeled Hermitage), and Semillon, a white grape from France's Bordeaux region.

Australian commercial winemaking began in Hunter Valley, a verdant, rolling region some 120 miles north of Sydney in the state of New South Wales. The state produces 20% of Australia's highest quality wines, while Hunter Valley produces 5%. Tyrrell's a family-owned winery, exports Long Flats, its inexpensive, everyday wines, as well as its expensive Vat series, especially Vat 47 Chardonnay and Vat 9 Shiraz. Also worth seeking out are McWilliams's Mount Pleasant Semillon and Pinot Noir, the Rothbury Estate Syrah and Chardonnay, Rosemount Chardonnay and Wyndham Estate Semillon.

Thirty-five miles northeast of Adelaide, in South Australia, lies the Barossa **wine region**. Only slightly younger than Hunter Valley, Barossa has been known for its wine-making since the 1840s. Since most of early settlers were German, the region's villages have a 19th century German appearance, and much of its original plantings were the famous German Riesling grapes.

In sharp contrast to its small, self-contained and pristine villages are the sprawling, giant wineries that moved to Barossa earlier this century and expanded with Australia's 20-year-old wine boom. There are

Search Results - "wine regions" or wine consult!

Page 2 of 2

wines from such giants as Penfolds, Australia's largest winery and producers of the country's famous red wine, Grange Hermitage, as well as other fine wines including Bin 707 Cabernet Sauvignon; and Orlando Winery, which exports wines under its Jacob's Creek label and its highest quality wines under the St. Hugo label. Still, in this land of giants, two of Barossa's smaller, family-owned wineries hold their own. Henschke makes a range of Shiraz, Pinot Noir and Cabernet Sauvignon, while Peter Lehmann has a Shiraz, Cabernet Sauvignon and a sweet Semillon Sauternes. There are vineyards in other parts of the country as well, including the states of Victoria, Western Australia and Tasmania, an island off the southern coast.

Since Australia is located in the Southern Hemisphere, the farther north you go, the closer you are to the equator. Grapes need warmth to mature, but too much heat burns out the flavor and quality. In turn, this creates a rougher, more alcoholic wine. As Australia works to refine its winemaking, it is planting more vineyards in its cooler, southern regions.

While Australian wines have gone up in price from the bargain days of the early 1980s, so have their quality. And, if value can be considered as price in relation to quality, Australian wines are still one of the best bargains in town.

GRAPHIC: Picture, no caption, AUSTRALIAN TOURIST COMMISSION

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★★★★★ **very useful in locating wines and their vineyards**, June 19, 2002
Reviewer: **Rosengarten (see more about me)** from London, UK
The Wine Atlas of France by Hubrecht Duijker (with support from Hugh Johnson) is the best way to start exploring the various famous French wine regions by car. After presentation of the history and a description of a particular wine region, the book lists the address and describes the important wine estates of the region. Suggested routes for driving as well as listings of the top regional restaurants and hotels, in order to recover from the wine tasting. Besides excellent maps of different scales to find your way round the book has superb pictures so that you know what to expect. Alternatively, you may first want to use the book to browse through the various wine regions. Even without using the book as a travel guide it is very useful in locating wines and their vineyards.

Was this review helpful to you?

☒ Yes ☐ No

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16 of 16 people found the following review helpful:

***** **a must for travellers**, September 28, 1998

Reviewer: **Nick** from Rochester, NY

This book contains informative descriptions, combined with detailed maps, and beautiful pictures, covering all the major wine producing regions of France. In addition, the author includes his favorite vineyards for each region. This book is a must for anyone travelling to France or just interested in learning more about the wine producing regions of France. Included in each section are a few selections on where to eat and where to stay as well. Having personally taken this book on my most recent trip, I can give it my hearty endorsement.

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The great wine regions of the world

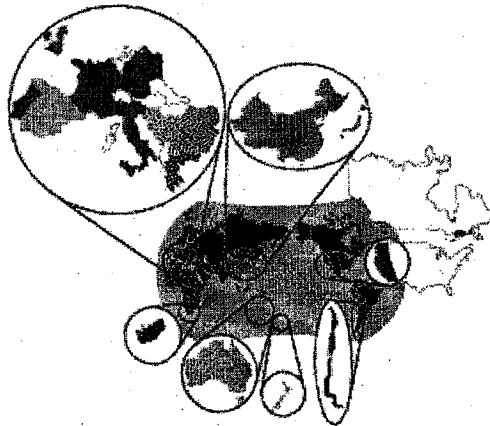
Page 1 of 1



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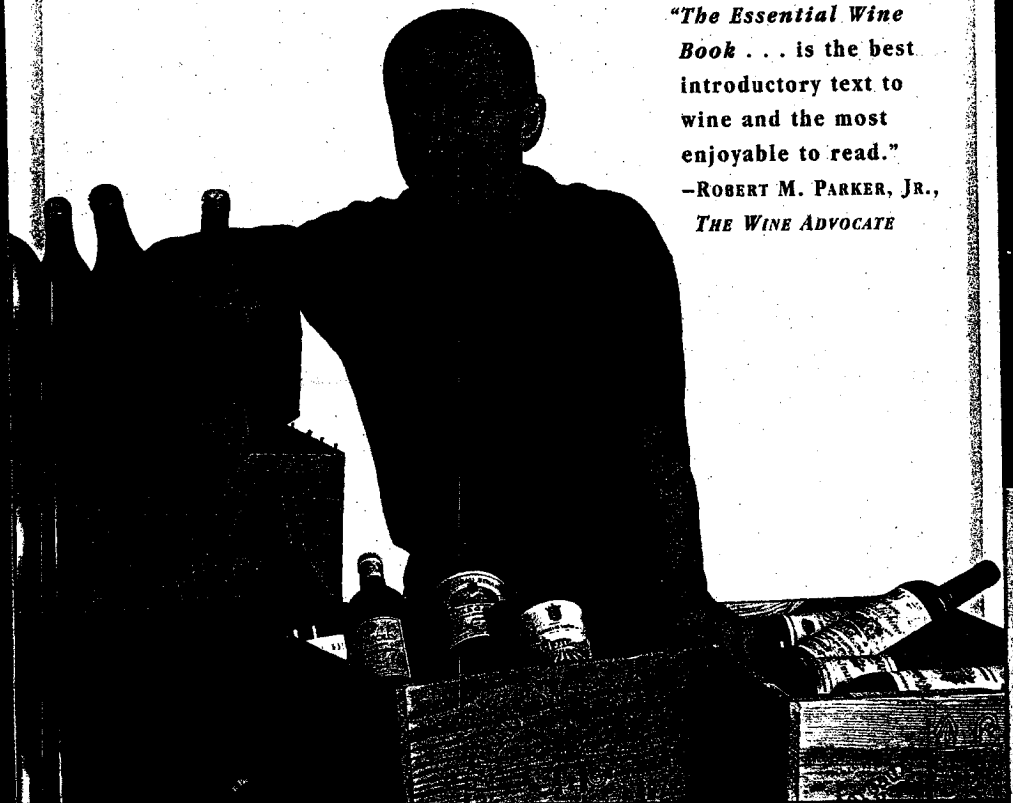
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THE WINE ADVOCATE



AN INDISPENSABLE GUIDE
TO THE WINES OF THE WORLD



The ESSENTIAL WINE BOOK

FULLY REVISED AND UPDATED



AN INDISPENSABLE GUIDE
TO THE WINES OF THE WORLD

Oz Clarke

A Fireside Book
Published by Simon & Schuster

CONTENTS

Introduction	6
The World of Wine	8
Choosing Wine	10
Tasting Wine	14
Storing and Buying Wine	18
Serving Wine	20
From Vine to Wine	22
Glossary	26
Vintage Guide	28



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Page 2 *New plantings on the shore of Lake Wanaka, in New Zealand's Central Otago region, are the world's most southerly vineyards.*

Page 3 *Chardonnay is undoubtedly the world's most popular white grape variety.*

Introduction	30
Wine Regions	32
Bordeaux	34
The Médoc Region	39
Margaux	45
St-Julien	46
Pauillac	48
St-Estèphe	49
Haut-Médoc	51
Médoc	52
St-Émilion	53
Pomerol	57
Graves and Pessac-Léognan	60
Sauternes	63
Other Bordeaux Wines	66
Burgundy	68
Generic Burgundy Wines	72
Chablis	74
Côte d'Or	77
Côte Chalonnaise	87
Mâconnais	90
Beaujolais	93
Champagne	96
Rhône	106
Northern Rhône	107
Southern Rhône	112
Loire	116
Muscadet/Pays Nantais	118
Anjou	120
Touraine	122
Central and Upper Loire	124
Sweet Loire Wines	126
Alsace	128
Jura and Savoie	133
Provence and Corsica	134
Languedoc-Roussillon	137
South-West France	142

Introduction	146
Wine Regions	148
Mosel-Saar-Ruwer	150
Rhine Valley	155
Ahr and Mittelrhein	156
Rheingau	157
Nahe	160
Rheinhessen	163
Pfalz	166
Baden-Württemberg	169

Hessische Bergstrasse
Franken
Saale-Unstrut and Sachsen
Sweet German Wines

Introduction
Wine Regions
North-West Italy
Piedmont
Valle d'Aosta
Liguria
Lombardy
North-East Italy
Alto Adige
Trentino
Veneto
Friuli-Venezia Giulia
Central Italy
Tuscany
Emilia-Romagna
Marche
Umbria
Abruzzo and Molise
Lazio
Southern Italy

SPAIN

Introduction
Wine Regions
North-East Spain
Rioja
Catalonia
North-West Spain
Galicia
Castilla y León
Central Spain
Southern Spain
Sherry

PORTUGAL 226

Northern Portugal
Port and Douro Table Wines
Central Portugal
Madeira

IRELAND & WALES 234

SWITZERLAND 236

AUSTRIA 239

WESTERN EUROPE 244

Czech Republic, Slovakia and CIS States
Hungary
Romania
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Oz Clarke's perennial bestseller *The Essential Wine Book* is one of the most original and diverting wine volumes ever published. Now this conversational encyclopedia of wine, which provides complete coverage of all wine regions of the world, has been revised, updated, and expanded to reflect the latest changes in the fast-developing world of wine.

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Each chapter covers a different wine-producing region of the world and includes:

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- Vintage ratings and tasting notes, along with useful summaries of the value-for-money and availability of specific wine styles



OZ CLARKE is one of the world's most celebrated wine authorities, distinguished for a unique writing style that renders his books both entertaining and informative. Renowned worldwide for his virtually infallible palate, accessible writing, and down-to-earth wine criticism, he has twice received the prestigious Glenfiddich Wine Writer of the Year Award. His books have gathered countless prizes, including the Glenfiddich Drink Book of the Year Award, the André Simon Wine Book of the Year Award, the James Beard Award, the Wine Guild Premier Award, and most recently a Julia Child Cookbook award. He is also host of the multimedia CD-ROM *Oz Clarke's Wine Guide*. He lives in London.



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INTRODUCTION

Looking back to the first edition of this book, I marvel at how much has changed in 15 years, how many wine regions then thought of as unimportant now play vital roles in our wine-making, how many grape varieties then unheard of now proudly offer us an ever-growing choice of flavours, and how many winemakers and wineries that barely existed then, if indeed they did at all, are now exciting players in the thrilling, challenging modern world of wine.

But one thing hasn't changed, and that is my attitude to wine and wine-drinking. I love to exult in it! I love to find the fun in it before I check the facts of it. I love to immerse myself in the endless varieties of flavours and scents, I love to feel my heart beat with the sheer joy of it before I settle into the whys and wherefores of the world of wine. My approach has always been one of unashamed enthusiasm, hedonism if you like. I see wine as fun, as friendship, as laughter and jokes, as frivolity and passion all hurled into the cauldron of pleasure – and what will the end result be? I don't always know, but I do know I will have had fun.

Of course, part of the pleasure I gain from wine is increasing my knowledge, not only of the old classic regions and their wines, where you reach back into the experience of generations past as you attempt to understand that quality, but also of the new. For me, a new wine region may be one where a dozen years ago there was nothing but virgin soil, uncleared forest and scrub and yet a lone visionary gazed upon the vacant slopes and dreamed of greatness. Or it may be vineyards neglected and forlorn, rejected by fashion, abused rather than used by whoever still designed to harvest their grapes and make their wine. Until someone determines to resurrect past glories, maybe in an ancient style, maybe in a style that is radical and new and completely unrelated to what went before.

Ancient and modern, radical or reactionary, I try to cover it all in this book. And I try to cover everything from the viewpoint of the consumer. Many wine books are written from the viewpoint of the producers and sellers of wine. I write about wine as a consumer, because I love wine and all it stands for. When I first wrote about wine I was a singer in London's West End stage seeking out bargains for myself and my cronies to drink at our backstage parties. Actors and singers are a

demanding lot, and I quickly learnt there was no point in bringing them back anything that was overpriced and underflavoured. I've never lost that attitude. I still care more about the flavour than the label, more about the wine's personality than the pedigree of the owner's family.

Even so, you'll find it all in here – the good, the bad and the ugly. The areas that are exciting, the areas that are underperforming – you'll find them in here. The vintages that are generally delicious, and the ones that bombed – you can find out here. The wines that need to age, the wines that wouldn't dream of it – you'll get my views on every page.

And hopefully they will all lead you to making up your own mind about what you like and don't like – and developing both the courage to stand up for your preferences and the openmindedness to accept that just because you don't like a wine, it doesn't mean that someone else won't find it delightful. And so long as we do all stand up for our rights as wine drinkers, the world of wine can only get better and better. Less than a generation ago, wine producers rarely considered the consumers' likes and dislikes. A mere decade ago the new age of wine consumer was born – opinionated, knowledgeable, enthusiastic yet demanding; prepared to pay for what they liked and pay well, prepared to refuse the stale, the musty, the lazily concocted and the dishonest – however famous the region, however pretentious the label. This consumer army now leads the world of wine, and the producers react by bringing out better flavours at fairer prices than ever before.

That's the modern world of wine, and this book is your essential guide to that modern world of wine.

OG CLK

32 FRANCE

WINE REGIONS

France started off by influencing the New World – even now, if you ask many an Australian or Californian winemaker about the models for his wine, he will name a village or two in Bordeaux or Burgundy. But then the New World began to have an influence on France. New wine-making techniques filtered in. The use of new oak barriques, introduced to the New World by Bordeaux and Burgundy, became so fashionable that other French regions have decided that they, too, want that rich, buttery taste in their wines. And most recently the south of France has started producing wines, often under simple Vin de Pays labels, that are every bit as upfront and fruity as their equivalents from South Australia or the Napa Valley. The wine world has got smaller. But still, no matter to which style you turn, France is there. And without ever admitting that she cares what other countries do, she still manages to absorb the best of what she sees.

So let's take a quick look around France's wine regions. In the far north Champagne uses classic grape varieties – Pinot Noir, Pinot Meunier and Chardonnay – to make lean, barely ripe still wine which is the perfect base for the greatest of sparkling wines. Just to the east, a rainshadow under the Vosges mountains allows Alsace to make intensely perfumed, yet dry wines from such Germanic grapes as Riesling and Gewürztraminer.

Away from the German border, south of Paris, begins one of the most contentious, passionately involving wine regions of the world – Burgundy. The whites, from the Chardonnay grape, range from the frosty, steely chill of Chablis to the power, ripeness and beauty of the Côte d'Or, where there are wines that combine honeyed richness with savoury fragrance in a way that has had two generations of winemakers across the globe wearing their fingers to the bone trying to reproduce them. Also on the Côte d'Or the Pinot Noir does its best to disprove its reputation as one of the two greatest red wine grapes in the world, but in the hands of the top growers makes wines of such haunting, perfumed brilliance that one is almost prepared to forgive the many mediocre bottles.

A short leap south to the Rhône and it is the Syrah's turn. This dark, strong, pungent grape makes the great red wines of Hermitage and Côte-Rôtie, as well as contributing to a host of others. Along France's warm Mediterranean coast, in Provence and Languedoc-

Roussillon, the vine grows almost too easily and vast quantities of ordinary red and white wine are made. But the region is undergoing a revolution and there are many exciting, modern wines being made from international varieties led by Cabernet Sauvignon, Merlot, Syrah and Chardonnay.

On the south-west coast is the Mecca for red wine makers: Bordeaux. Any red wine maker who wishes to be admitted to the international top rank must sooner or later try his hand at Cabernet Sauvignon. The sweet wines of Sauternes, too, are indisputably some of the world's greatest dessert wines. Bordeaux's maritime climate also influences the great rivers of the Dordogne, Lot, Garonne and Tarn and here in the South-West, a colourful ragbag of grape varieties is used to make almost every wine style imaginable.

Finally, turning back north again, the Loire Valley offers a wide range of wines from different grapes. Loire Sauvignons used to set the standard for tangy, fresh whites; now, since New Zealand has shown what she can do, the Loire must share the honours.

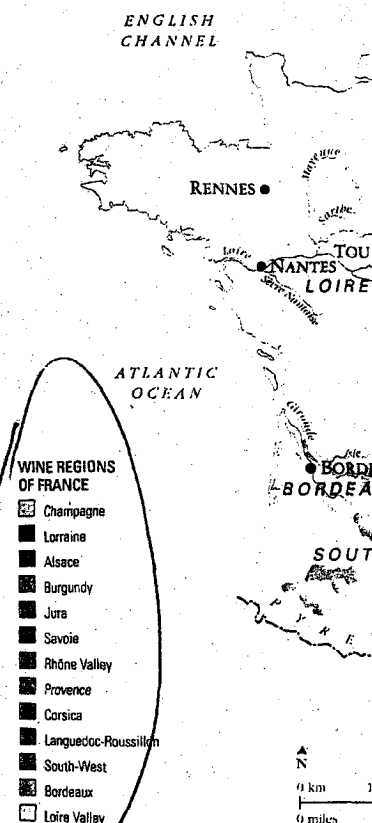
The other way in which France has set the pace for the world is in its Appellation d'Origine Contrôlée laws. Except in Germany, these have formed the basis for demarcation systems elsewhere in Europe and in North America and the southern hemisphere.

CLASSIFICATIONS

French wine is divided into four categories.

Vin de table or table wine is the most basic level. The regulations governing its production are minimal.

Vin de Pays Literally, 'Country Wine'. This category was created to improve the general level of basic table wine by giving the best of it a regional identity, and in this it has succeeded superbly. There are now almost 100 Vins de Pays. Quality is variable, from the dreadful to the superb, so buy from a reliable retailer. There are limits on yields but regulations are far more relaxed than for VDQS or AC wines. There are three levels: **Vins de Pays Régionaux** are four areas which between them carve up most of France's vineyards: Vin de Pays du Jardin de la France covers the Loire Valley; Vin de Pays du Comté Tolosan includes the South-West (but not Bordeaux); Vin de Pays des Comtés Rhodaniens applies to the northern Rhône and Savoie; and Vin de Pays d'Oc (a name



appearing on a lot of good-value wines (days) is for Provence and the Midi. **Vins de Pays Départementaux** cover a single département: Vin de Pays de l'Aude, for example. **Vins de Pays de Zone** are most tightly controlled and can apply to as small as a single commune. Vin de Pays d'Uzège, for example, is for wines from the locality of Uzès in the Gard département.

Vin D'Appellation d'Origine Contrôlée (VDQS) This is a kind of junior Appellation. There are rules governing which grape varieties and the like, but they are strict than they would be for AC wines. Some wines are VDQS rather than AC because wrong grapes are grown in the right place. For example, Sauvignon de St-Bris is VDQS because it is made from Sauvignon Blanc in the Burgundy area, where the only white wines accorded AC status are Chardonnay and Aligoté. Others are VDQS because

in, the vine grows almost too easily in quantities of ordinary red and white made. But the region is undergoing renovation and there are many exciting wines being made from international led by Cabernet Sauvignon, Merlot, and Chardonnay.

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CLASSIFICATIONS

Wine is divided into four categories. **Table** or table wine is the most basic. The regulations governing its production are minimal.

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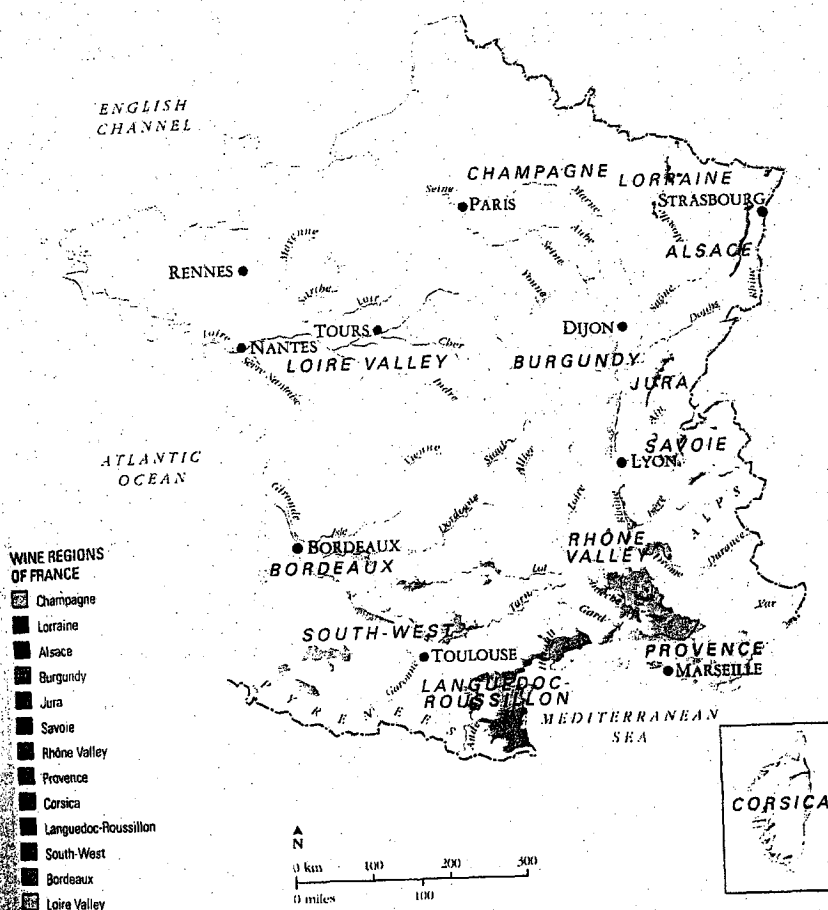
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Vin Dénommé de Qualité Supérieure (VDQS). This is a kind of junior Appellation Contrôlée. There are rules governing yields, grape varieties and the like, but they are less strict than they would be for AC wines. Some wines are VDQS rather than AC because the wrong grapes are grown in the right place; for example, Sauvignon de St-Bris is VDQS because it is made from Sauvignon Blanc in the Burgundy area, where the only white wines accorded AC status are Chardonnay and Aligoté. Others are VDQS because the

general standard of the wines is not yet good enough for promotion to full AC status.

Appellation d'Origine Contrôlée (AC)

This is the top designation for French wines. The area of each AC is determined by *terroir*, a French term that covers soil, aspect and climate. Appellation rules then govern the grape varieties allowed, the permitted yields (notoriously elastic, this), the alcohol level of the wines, the methods of pruning and picking, the density of planting and the wine-making. Sometimes bottling in the region of production is mandatory. All AC wines have to be submitted to a tasting panel to make sure they are typical of the appellation – but an AC designation is not in any way a guarantee of quality. It merely guarantees that the wine has been produced in accordance with the rules, which is not the same thing at all. The consumer's best guarantee of quality is the name of the producer on the bottle.



WINE REGIONS

Well, it's happening at last. So let me say it, loud and clear: the Germans are revolting. Not all of them, of course. It's only the best growers who have started to take the law into their own hands and make their wine the way they want, whatever the regulations say. Their reasoning is that it is these regulations that have ruined the image of German wine abroad. They say that the same wine law that should be upholding standards is in fact responsible for lowering them to the lowest common denominator. And frankly, I agree with them.

The problem is not so much the minute delimitation of the whole of Germany, vineyard by vineyard, and the corresponding morass of single-vineyard names that this produces. Once you know that the first word of a two-word name on a wine label is the village, and the second the vineyard, you've more or less got that system cracked. The problem is that there are larger areas, called Grosslagen, which have names that sound suspiciously like single vineyards – Niersteiner Gutes Domtal, for example. Nierstein is a village that can produce very fine wine indeed – but Gutes Domtal is an area so large, and is sold at a price so low, that the wine is never more than rock-bottom quality. It is most emphatically not to be compared to a single-vineyard wine from Nierstein – but to 99 per cent of consumers it sounds just the same. Sneaky – or sneaky?

Then there are still larger wine areas, called Bereiche. These, again, often borrow the name of their most famous village – like Bereich Bernkastel. The village of Bernkastel produces some of Germany's finest wines – but wine sold under the Bereich Bernkastel name has probably never even been within shouting distance of Bernkastel, and will not even have a fraction of its quality.

Add to this the enormous yields from inferior grape varieties that are the bane of most German wine regions (of which there are 13 – see the map opposite) and you have ever-increasing amounts of wine that have to be shipped at ever-lower prices. The only way to escape the pressure of this downward spiral, if you want to make good wine, is to do what you believe in and sell your wine at the prices it needs – which means high – to the discerning few.

What the leading growers are doing is imposing stricter rules on themselves than the law requires. This applies to yields, minimum

ripeness levels, how the vines should be pruned and so on. A few are maturing their wines in new oak barrels and then selling them as (high-priced) Tafelwein, or table wine. Others have banded together to classify the best vineyards in the best areas – as far as German wine law is concerned, all vineyards are equal, but commonsense tells one that this can't be true.

These growers are also fussy about the vines they grow. In most of Germany the Riesling stands head and shoulders above any other grape: it's one of the world's classic grapes. Only in Franken, where Silvaner can be excellent, and in Baden, where the whole Pinot family flourishes, should the Riesling take a back seat. But one of the German wine industry's biggest projects is research into new vine varieties that will reliably produce large crops in the country's cool climate. Yes you can do that – but you sacrifice the quality that you get with Riesling. And large yields of inferior wine are, as I've said, the main reason why the reputation of German wine has disappeared where too many of its wines should have been put – down the drain.

CLASSIFICATION

German wine law makes no distinctions of quality between vineyards. Instead the wines are classified according to the ripeness of the grapes and measured by their must weight or sugar level.

Sugar levels are measured in degrees Oechsle, a measure of how much heavier a litre of grape juice is than a litre of water. Thus, a reading of 95° Oechsle means that a litre of the grape juice in question is 95 grams heavier than a litre of water. The extra weight is that of the natural grape sugar, so the riper the grapes, the higher the reading and the greater the potential alcohol.

Tafelwein is basic table wine, usually a low-quality blend. 'Deutscher Tafelwein' must be German; EU Tafelwein can be a blend of anywhere in the EU and should be avoided.

Landwein was introduced as the equivalent of France's Vin de Pays, but has never really taken off. Quality is not exciting.

Qualitätswein bestimmter Anbaugebiete (QbA) Quality Wine from a Designated Region – the equivalent of French AC, although QbA quality probably plumbs



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greater depths, more regularly. But a QbA
from a good grower will be a safe buy.

Qualitätswein mit Prädikat (QmP) This is
where the quality gets interesting. There are
six Prädikats, or special attributes, and the
wines get steadily rarer, usually sweeter and
always more expensive:

Kabinett Wine made from ripe grapes. The
driest and lightest of the lot. It will be semi-
sweet unless the label says 'Halbtrocken' (half
dry) or 'Trocken' (dry).

Spätlese Wine from late-picked grapes. It is
usually sweetish, though not very sweet.
Again, it can be Halbtrocken or Trocken.

Auslese Made from selected bunches of
extra-ripe grapes. In the warmest years there
may well be some noble rot. Auslesen can be
quite sweet; a few are made as Halbtrocken
or Trocken.

Beerenauslese Made from individually
selected berries. They should be nobly rotten,
and the wines will be sweet and luscious.

Trockenbeerenauslese Made from indi-
vidually selected berries that are shrivelled
with noble rot. TBAs are intensely sweet and
long-lived – and expensive. To make a single
bottle takes the grapes of six to eight vines. If
you were going to make cheap commercial
wine you'd expect at least 15 to 20 bottles
from that number of vines.

Eiswein Made from grapes that have frozen
on the vine, when the temperature drops to
-6°C. When they are pressed – still frozen –
the water is left behind in the form of ice and
only the intensely sweet juice – too full of
sugar to freeze – comes off the press. Yields
are tiny, and the risk of losing the whole crop
is large, since the grapes must stay on the vine
until December or even January. The wine is
fearfully rare, fearfully expensive.

180 ITALY

WINE REGIONS

Italian wine has an image – carefree, happy-go-lucky – that is pretty much identical to the popular image of the Italians themselves. Some of the wines fit the image but the greatest wines don't. These can be serious, even sombre wines, that take years of patient waiting before they reveal their hidden complexities. Doesn't sound very Italian, does it?

Then there are wines that come from cool, hilly vineyards where the grapes only just ripen, and where the wines may be aged in French oak – and where some of the wines may be made from French vine varieties. That doesn't sound very Italian, either. And then there are the whites made by ultra-modern methods to produce clean, neutral wines with no personality. That sounds even less Italian.

What all this means is that Italian wine is a far more complex subject than a quick look at the most famous names would suggest. For a start, while wine might be the natural accompaniment to every meal in Italy, fine wine is made only in certain areas – and they are not as many as the proliferation of DOCs would suggest. Piedmont in the north-west makes sensational reds in Barolo, Barbaresco and Dolcetto, and light, frothing fizz in Asti. The mountainous Alto Adige, where the language of choice for many of the locals is German, makes clean, light whites from Chardonnay, Pinot Bianco, Traminer and others (in fact the village of Tramin, from which the grape is supposed to have taken its name, is situated here). Go further east and we reach the Veneto where Valpolicella, Soave and Bardolino originate. All these can be fine wines, although the versions most commonly found can make this hard to believe. Friuli-Venezia Giulia, pushing up against the Slovenian border, makes wines of almost every conceivable style and colour.

In Tuscany there is Chianti, Chianti and more Chianti, plus Brunello di Montalcino, Vino Nobile di Montepulciano and Carmignano – superb reds, all of them – and rather duller whites from the Trebbiano grape that straggles over most of Italy and doesn't make anything of much interest anywhere. And if all these weren't enough, Tuscany is the home of the 'Super-Tuscans', the ultra-smart Vini da Tavola that glory in their humble designation and charge higher prices than most top DOC wines. Why do they do it? Because they think the Italian wine law got it wrong when, in 1963, it laid the foundations of the present classification. They decided,

during the 1970s and 1980s, that they wanted to use French vines like Cabernet Sauvignon, mature their wines in small new oak barriques and generally make wines that, while still Italian in character, had a more international style to them. Now the law has changed, and is prepared to welcome these rebels back with open arms. They can even apply for their own personal DOCs if they like. But will they want to? So far there's not much of a queue.

Even the south, for long a source of cheap, alcoholic red ideal for filling the European wine lake and for bolstering weaker blends from further north, has some surprises. Nowadays it's the home of some characterful inexpensive wines, like Salice Salentino and Copertino.

This is not to suggest that the story of Italian wine is one of unmitigated success. If only. All too often in this great country, the true potential is not being realized, the astonishing flavours that are possible are being cast aside for neutrality or wasted through idle malpractice. Traditional wine-making methods have much in their favour, yet are frequently abused to produce tired, fruitless wines; and the most modern methods don't always get it right, either. But between these two extremes there are gems to be discovered. And it is the weird, wild flavours pining to be coaxed out of these finest wines which the world should be getting.

CLASSIFICATION

Italy has a new wine law, the 1992 Goria Law. The idea was to sort out the anomalies of the existing law, and bring more wines under its wing: until it was passed only about 13 per cent of the whole Italian wine harvest was covered by the DOC rules compared with France where 55 per cent of the crop is covered by the Appellation Contrôlée regulations, with Germany's massive 98 per cent. Even Spain can muster 35 per cent.

There are four designations of Italian wine: **Vino da Tavola**. This most basic quality classification has perversely also been appropriated by some of the country's best producers, who believe that the wine law prevents them from making their wine as well as they want to. These 'Super-Vini da Tavola' are bound by the Vini da Tavola rules and may not indicate region or grape variety on the label – but the name of the producer and the brand name (and the price) say it all. The Goria Law allows these wines to become



SARL

WINE REGIONS OF Main DOCG/DOC wine

- ☒ North-West Italy
- ☒ North-East Italy
- ☐ Central Italy
- ☐ Southern Italy
- ☒ Sicily
- ☐ Sardinia

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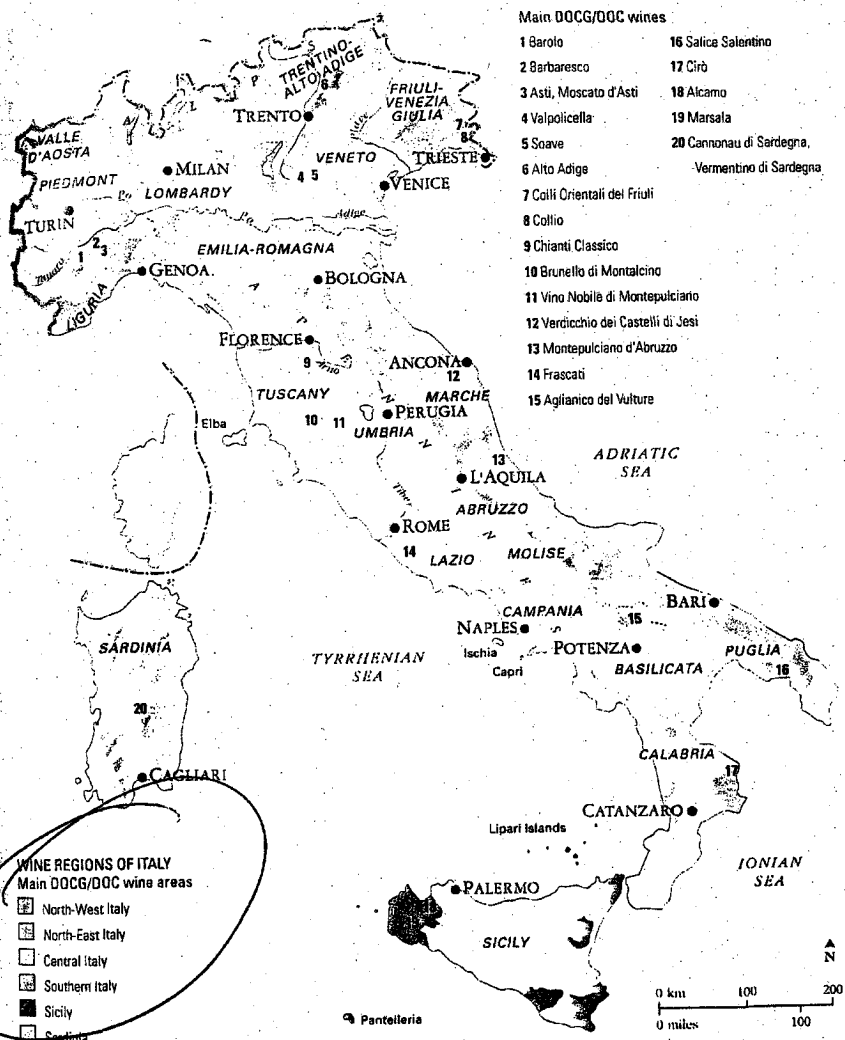
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DOC. One of the most famous, Sassicaia, has taken advantage; most others so far haven't.

Indicazione Geografica Tipica (IGT) This new level of table wine is based on the French Vin de Pays. The rules are less stringent than for DOC.

Denominazione di Origine Controllata (DOC) This level is similar to France's Appellation Contrôlée laws and regulates geographical origin, vine varieties, yields, pruning methods, alcoholic strength and aging requirements. Although many wines have improved since the introduction of DOC, many others have found themselves caught in

a time warp, as the DOC rules serve to preserve existing traditions, while innovation has been flooding through the rest of the world.

Denominazione di Origine Controllata e Garantita (DOCG) This was introduced as a higher tier of DOC as a way of recognizing the finest Italian wines, and is supposed to provide some sort of guarantee of quality as well as of provenance. The restrictions are tighter and the wine has to be tasted and analyzed by a panel of judges. The first wine was not promoted to DOCG until 1980, and there are still only 15 of them – and frankly they're not all of equal quality. Politics intruded here, just as it always seems to.

256 USA

WINE REGIONS

As far as we can judge, there have always been vines in North America. Lief Ericson, the Viking explorer, found wild vines in profusion when he landed on the north-east coast and named it Vinland; several hundred years later, the colonists of Virginia and Carolina set about making wine out of them.

They failed. Well, no, they didn't fail. The grapes fermented and turned into wine. But the wine didn't taste like anything those colonists could recognize as wine.

So as early as 1619 cuttings from European vines were used. They rooted and they grew; and then they died. It happened every time. Wine made from the native grapes didn't taste particularly nice; yet European vines turned up their toes. What those early colonists were seeing was a rehearsal of what was to happen in Europe, centuries later.

Wines from the native grapes didn't taste the same as European wines because the vines were of different species. European grape vines are *Vitis vinifera*; those native to north America are of various species, particularly *Vitis labrusca*. They lived where European vines could not because they were immune to a minute insect that, during a phase of its life cycle lives on the vine roots and sucks the life out of them. The European vines, faced with this louse (later named *Phylloxera vastatrix*) had no natural immunity and succumbed.

When European vines were first planted on the West Coast, however, they lived. Those first plantings were of Mission grapes, tended by missionaries. But phylloxera in due course spread across the continent, and was spotted in California in 1873, just ten years after its first appearance in France.

However, North America, having exported the pest to the world, was also able to supply the cure. Rootstocks from those very vines whose wine had so disgusted the early settlers are now used, specially bred, all over the world, and European vines are grafted on to them.

Vitis labrusca grapes are still used for wine on the eastern seaboard and in some of the northern states, where the climate is problematical for *vinifera* vines. In New England it can be painfully cold in the winter for *vinifera* vines, although they are on the increase. In the south the problem is the opposite: too much heat and humidity in the summer, too little chill in the winter. So when I say that wine is made in almost all the states of the

USA, I don't necessarily mean wine on the French model of Cabernet Sauvignon, Pinot Noir and Chardonnay. To find these vines – and indeed to find the wines with which the USA has made her international reputation – you will have to look in only a few places.

First and foremost, there's California. The Gold Rush of 1849 kick-started the vinous careers of the Napa and Sonoma Valleys, and the hotter San Joaquin Valley, further east. Then there's Oregon, where viticulture only really got started as late as the 1970s, was hyped too early and is now fighting to hold on to its reputation of being the USA's prime source of Pinot Noir. Washington State is just as young, indeed still young enough to warrant the label of 'emerging'. And then on the East Coast there's New York State, where the growers are beginning to find ways round their climate.

But I've jumped an awful lot of time. It wasn't all plain sailing between the conquest of phylloxera and the time when California wines started to take us all by storm. There was the little matter of Prohibition, when between 1919 and 1933 alcohol actually became an illegal drug in the USA.

The acreage of land under vine actually increased during Prohibition. It sounds daft, but there you are. Grape-growing wasn't forbidden, only the manufacture of wine – and even that wasn't actually forbidden if you did it in the privacy of your own home, using yeast and bought grape concentrate or even bought fresh grapes. Some commercial winemaking was allowed, too, for altar wine. Even so, from producing 55 million gallons of wine just before Prohibition, the USA produced only 3.5 million gallons in 1925. And this wasn't wine designed to tickle the palates of connoisseurs. Instead it was cheap and alcoholic and produced from inferior grapes. There was a lot of Alicante Bouschet and Thompson Seedless grown, neither of which is usually allowed near a serious winery. In order to survive (and most wineries didn't) wineries had to give up all thought of making decent wine. It was a period that did nothing to train the national palate.

After Repeal came the Depression and World War Two, so not until the 1970s did a new, revived California wine industry start to take shape; and then it hit the headlines almost immediately. In 1976, at a blind wine tasting in Paris, Chateau Montelena Chardonnay 1973 beat top white Burgundies into a



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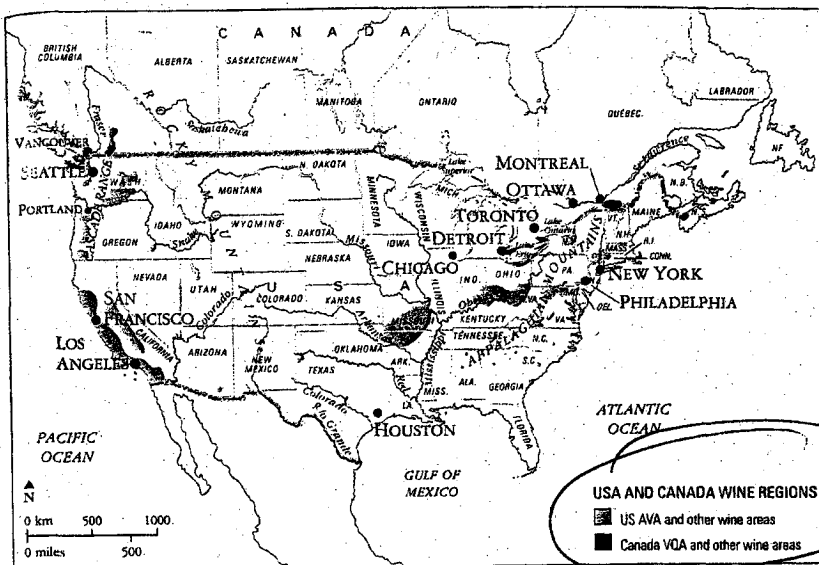
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don't necessarily mean wine on the model of Cabernet Sauvignon, Pinot Chardonnay. To find these vines - to find the wines with which she made her international reputation - have to look in only a few places. And foremost, there's California. The shock of 1849 kick-started the vinous life of the Napa and Sonoma Valleys, and the San Joaquin Valley, further east. In Oregon, where viticulture only started as late as the 1970s, was early and is now fighting to hold its reputation of being the USA's prime Pinot Noir. Washington State is just indeed still young enough to war-babel of 'emerging'. And then on the other side there's New York State, where there's the beginning to find ways round the

jumped an awful lot of time. It's plain sailing between the conquest era and the time when California decided to take us all by storm. There's the matter of Prohibition, when in 1919 and 1933 alcohol actually became an illegal drug in the USA. The acreage of land under vine actually shrank during Prohibition. It sounds daft, but you are. Grape-growing wasn't for-profit - the manufacture of wine - and wasn't actually forbidden if you did it for the privacy of your own home, using enough grape concentrate or even whole grapes. Some commercial wine was allowed, too, for altar wine. Even during Prohibition, the USA produced 55 million gallons of wine in 1925. And this was designed to tickle the palates of the rich. Instead it was cheap and alcohol produced from inferior grapes. A lot of Alicante Bouschet and seedless grown, neither of which was allowed near a serious winery. In the 1920s (and most wineries didn't) to give up all thought of making wine. It was a period that did nothing to the national palate.

Then came the Depression and the war, so not until the 1970s did a new California wine industry start to emerge; and then it hit the headlines. In 1976, at a blind wine tasting, Chateau Montelena Chardonnay was voted top white Burgundies into a



cocked hat. Stag's Leap Cabernet Sauvignon 1973 did the same for the reds, beating leading red Bordeaux (to the apoplectic fury of the French). California wine was on its way. It hasn't looked back since.

CLASSIFICATION

An official classification of any sort is a new and still controversial idea in the American wine industry. In the early days no-one knew or cared where a bottle of wine came from - or how it was labelled. If it was white it might be called 'Chablis' or 'Sauternes', if it was red, then it must be 'claret' or 'burgundy'. If it was fizzy it was 'Champagne'.

Such borrowings are all very well for a local, infant industry, but when, in the 1970s, California wine grew serious and American wine began to hold its own at international level, a better system was needed. Accordingly, the first home-grown legislation came in 1983 with the introduction of the first American Viticultural Areas, or AVAs.

Based, like French Appellations Contrôlées, on topography, climate and soil types, AVAs do not attempt, unlike their European counterparts, to regulate grape varieties, wine-making methods or vineyard yields. They are thus purely an indication of origin. It is highly debatable whether most AVAs have their own identifiable character: from the consumer's point of view the name of the producer is probably a surer guide. There are now nearly 130 AVAs, of which more than half are in California.

MAJOR LABELLING REQUIREMENTS

Grape variety Varietal labelling is most common in the United States. If a variety is named on the label then 75 per cent of the blend must be of that variety. In Oregon the figure is 90 per cent, with an exception being made for Cabernet Sauvignon, where a minimum of 75 per cent is permitted to allow for Bordeaux-type blends which commonly use this variety.

Region of origin The winery and region of origin also appear on the label. If an AVA is named on the label, then 85 per cent of the grapes in the wine, regardless of variety, must come from that AVA. If a county is named, the minimum figure is the same. If the wine is a varietal 75 per cent of the named variety must come from the named AVA. (AVAs and counties do not generally coincide.) If the label simply names a state, then 100 per cent of the wine must come from that state. At the most basic level if the source is given simply as 'America', then the wine can be a blend of grapes from two or more states.

Health warning These have to be displayed not just on the label but also, prominently, in the winery (puritanical values die hard). The presence of sulphites must be stated on the label: sulphur dioxide, used as a preservative and anti-oxidant in wine-making, is a sulphite. Labels also must warn pregnant women or those in charge of heavy machinery against the consumption of the contents.

Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Mark: REGIONS

Serial No.: 76/242955

Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner, Esq.

Law Office: 108

Office Action Mailing Date:
July 1, 2002

BOX RESPONSES NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

REQUEST FOR RECONSIDERATION PURSUANT TO C.F.R. §2.64(a)

Applicant Winery Exchange, Inc. ("Applicant") hereby requests reconsideration in connection with the final Office Action No. 2, dated July 1, 2002, issued for the above-referenced application. Applicant provides recently available, additional information that it believes directly addresses the Examining Attorney's objection, and provides further grounds to support the withdrawal of the Examining Attorney's objection. Concurrently with this request for reconsideration and out of an abundance of caution, Applicant did file a Notice of Appeal.

Applicant's Mark is Not Descriptive

The Examining Attorney issued a final refusal to register Applicant's applied for REGIONS mark pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), having concluded that the mark merely describes Applicant's goods based on use of the word "regions" in the context of "wine." As previously stated in response to the initial office action, Applicant respectfully disagrees with the Examining Attorney's assertion that the applied for REGIONS mark functions as a descriptor of Applicant's wine and submits that the mark is at least suggestive of wine.

Simply stated, Applicant's REGIONS mark, akin to other marks that include the word "regions" for wine, does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the wine. Applicant's mark alone does not and cannot describe the origin of the wine to consumers. Use of the word "regions" does not in any way inform the consumer about the wine sold under the REGIONS mark.

The Examining Attorney continues to rely on web pages and LEXIS NEXIS citations that reference the term "wine region" or a particular "wine region," such as Bordeaux or Loire, to support his position that REGIONS is somehow descriptive of wine. For all of the reasons previously noted in Applicant's initial office action response, these citations, however, do not render the term "regions" descriptive of wine. Rather, these citations illustrate only the general notion that wine grapes are understood to emanate from a particular geographic area of the world. These citations fail to show how use of the mark "REGIONS" in anyway communicates to consumers in a descriptive fashion an inherent quality, characteristic, function, or feature of Applicant's wine. Indeed, the proposed mark REGIONS does not convey in any way the geographic area,

country, state or wine region, from where the wine grapes of Applicant's product emanate. As such, the mark REGIONS should be considered at least suggestive.

This conclusion that Applicant's REGIONS mark for wine should be accepted as sufficiently distinct and not descriptive recently has been accepted by the Trademark Office with regards to a third party application. The application for the mark SEVEN REGIONS COLLECTION (Serial. No. 78/072019, filed July 2, 2001)¹ was published on July 2, 2002, the day after the Examining Attorney's final Office Action issued here, and allowed on September 24, 2002 for wine without any requirement that the term REGIONS be disclaimed. Rather, there the Examining Attorney only found the word "collection" descriptive and subject to a disclaimer. Even though REGIONS was not disclaimed, significantly no third party opposition was brought against this application only serving further to confirm that the relevant marketplace does not consider REGIONS a descriptive term as applied to wine. A true and correct copy of the TEAS printout for the mark SEVEN REGIONS COLLECTION for wine is attached hereto as Exhibit A. Since the SEVEN REGIONS COLLECTION mark has been allowed to proceed to registration for wine without any need to disclaim the word "regions", Applicant's REGIONS mark also should be allowed to proceed to registration for wine.

Indeed, it is well accepted that any doubts regarding whether a term is merely descriptive should be resolved in favor of the applicant. *See, e.g., In Re the Stroh Brewery Co.*, 34 U.S.P.Q. 2d 1796 (T.T.A.B. 1994) ("VIRGIN" allowed to register for non alcoholic malt beverages without disclaimer); *In Re Health Facts, Inc.*, 2001 WL

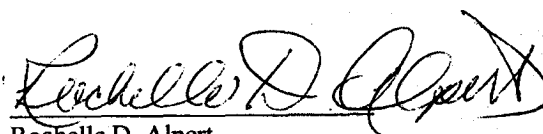
¹ Significantly, the filing date of the SEVEN REGIONS COLLECTION intent to use application falls well after that of Applicant.

12820 (TTAB 2001) (A MAN'S FACE allowed to register for non-medicated skin products).

Accordingly, based on the Applicant's response to Office Action No. 1 and the additional information provided here in connection with this request for reconsideration, Applicant requests that the Examining Attorney withdraw his final office action and allow the application at issue to proceed to publication.

Dated: December 30, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rochelle D. Alpert", written over a horizontal line.

Rochelle D. Alpert
Attorney for Applicant
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San Francisco, CA 94105
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Typed Drawing

Word Mark SEVEN REGIONS COLLECTION

Goods and Services IC 033. US 047 049. G & S: Alcoholic beverages, namely wines

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78072019

Filing Date July 2, 2001

Filed ITU FILED AS ITU

Published for Opposition July 2, 2002

Owner (APPLICANT) DIAGEO NORTH AMERICA, INC. CORPORATION BY CHANGE OF NAME CONNECTICUT SIX LANDMARK SQUARE STAMFORD CONNECTICUT 06901

Assignment Recorded ASSIGNMENT RECORDED

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Type of Mark

TRADEMARK

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12/27/2002

Latest Status Info

Page 2 of 3

United States
State or Country of Incorporation: Connecticut
Legal Entity Type: Corporation

GOODS AND/OR SERVICES

Alcoholic beverages, namely wines

International Class: 033

First Use Date:

First Use in Commerce Date:

Basis: 1(b)

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

PROSECUTION HISTORY

2002-09-24 - Notice of allowance - mailed

2002-07-02 - Published for opposition

2002-06-12 - Notice of publication

2002-03-07 - Approved for Pub - Principal Register (Initial exam)

2002-01-22 - Communication received from applicant

2001-09-07 - Non-final action mailed

2001-08-31 - Case file assigned to examining attorney

CONTACT INFORMATION

<http://tarr.uspto.gov/service/tarr?regser=serial&entry=78072019>

12/27/2002

Latest Status Info

Page 3 of 3

Correspondent (Owner)

GUINNESS UDV NORTH AMERICA, INC.
6 LANDMARK SQ
STAMFORD CT 06901-2704
United States

<http://tarr.uspto.gov/service/tarr?regser=serial&entry=78072019>

12/27/2002

TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Mark: REGIONS
Serial No.: 76/242955
Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner, Esq.

Law Office: 108

Office Action Mailing Date:
July 1, 2002

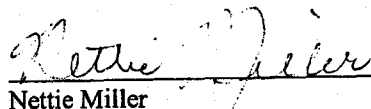
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

BOX RESPONSES- NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

I hereby certify that the attached request for reconsideration and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX RESPONSES NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3513, on December 30, 2002

Respectfully submitted,


Nettie Miller

Jul 14 03 06:36p Winery Exchange Inc

5-382-6905

Pl. 3
miscellaneous
Exhibits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Winery Exchange, Inc.

Marks: See attached Schedule A

COMPLETED

**REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY
AND NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS**

TO THE COMMISSIONER FOR TRADEMARKS

Dear Sir or Madam:

POWER OF ATTORNEY

Applicant hereby appoints Richard L. Kirkpatrick, Cydney A. Tunc, Laura C. Gustafson, Robert B. Burlingame, Michelle T. Rutledge, Reese A. Pecot, and Devin R. Cuyler of Pillsbury Winthrop LLP, and all members of that firm and all other attorneys associated with that firm, with full powers of revocation and substitution, to transact all business in the Patent and Trademark Office in connection with these applications.

CORRESPONDENCE ADDRESS

Please direct all correspondence concerning the applications identified in the attached Schedule A:

Calendar/Docketing Department
Pillsbury Winthrop LLP
Post Office Box 7880
San Francisco, CA 94120-7880

Please direct all telephone and/or email communications to Robert B. Burlingame at (415) 983-1274; SFtrademarks@pillsburywinthrop.com.

Winery Exchange, Inc.

By:

O.P. Colvin
Oliver Colvin, General Counsel

Date:

July 14, 2003

Jul 14 03 06:36P

Winery Exchange Inc

+1 415-382-6905

p.4

Schedule A

Mark	Application No.
VILLA CAMPAGNA	78/144502
DRAKE-HUDSON	78/241846
Q	78/245287
DELLATORRI	78/236439
DRINK GLOBAL	78/224594
PARKERS ESTATE BLUE ASH ROAD	78/162675
PARKERS ESTATE OLD VINE STREET	78/146828
PARKERS ESTATE NORTH PEYTON BLOCK	78/146825
PARKERS ESTATE BLUE ASH ROW	78/146823
LANDSCAPES	78/075318
ORTOLANO	76/408088
OMBRETTA	76/416853
KARALTA	76/409047
PASITOS	76/360202
PIACE	76/310896
ALBURY COVE	76/289644
ORIGINS	76/288332
KALBARRI	76/288195
HUNTERS GROVE	76/415702
RED GUMTREE	76/413940
Grape Design	76/114551
LA MIRA	76/288331
RAPAKI BAY	76/288462
TORRIGO BAY	76/288061
TIMARA VALLEY	76/288060
JENICA PARK	76/288057
REGIONS	76/242955

Jul 14 03 06:36p

Exchange Inc

92-6905

p.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Winery Exchange, Inc.

Marks: See attached Schedule A

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Winery Exchange, Inc.

By:


Oliver Colvin, General Counsel

Date:

July 14, 2003

Jul 14 03 06:36P

Exchange Inc

+ 1 5 382-6905

P. 4

Schedule A

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DRAKE-HUDSON	78/241846
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PASITOS	76/360202
PIACE	76/310896
ALBURY COVE	76/289644
ORIGINS	76/288332
KALBARRI	76/288195
HUNTERS GROVE	76/415702
RED GUMTREE	76/413940
Grape Design	76/114551
LA MIRA	76/288331
RAPAKI BAY	76/288462
TORRIGO BAY	76/288061
TIMARA VALLEY	76/288060
JENICA PARK	76/288057
REGIONS	76/242955

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TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Trademark Atty: Jason F. Turner, Esq.

Law Office: 108

Office Action Mailing Date:
July 1, 2002

Mark: REGIONS

Serial No.: 76/242955

Filing Date: April 17, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

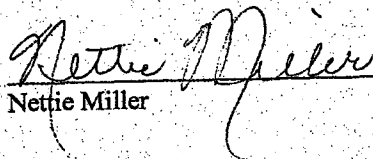
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Arlington, VA 22202-3513

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Respectfully submitted,


Nettie Miller

TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of:

Winery Exchange, Inc.
(formerly Wineryexchange.com)

Mark: REGIONS

Serial No.: 76/242955

Office Action Mailed: July 1, 2002

Examining Attorney: Jason F. Turner, Esq.

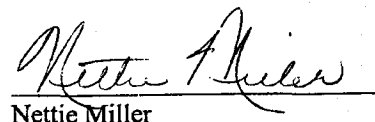
Law Office: 108

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Respectfully submitted,


Nettie Miller

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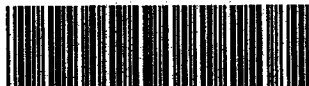
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Word Mark: REGIONS

Serial No: 76242955



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Doc. Type: Requests for Reconsideration of Examining Attorney Final Refusal



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Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Winery Exchange, Inc. (formerly
Wineryexchange.com)

Mark: REGIONS

Serial No.: 76/242955

Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner, Esq.

Law Office: 108

Office Action Mailing Date:
July 1, 2002

BOX RESPONSES NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

2003 JAN 15 1 A 10:11
T.M.E.O.
LAW OFFICE 108

REQUEST FOR RECONSIDERATION PURSUANT TO C.F.R. §2.64(a)

Applicant Winery Exchange, Inc. ("Applicant") hereby requests reconsideration in connection with the final Office Action No. 2, dated July 1, 2002, issued for the above-referenced application. Applicant provides recently available, additional information that it believes directly addresses the Examining Attorney's objection, and provides further grounds to support the withdrawal of the Examining Attorney's objection. Concurrently with this request for reconsideration and out of an abundance of caution, Applicant did file a Notice of Appeal.

Applicant's Mark is Not Descriptive

The Examining Attorney issued a final refusal to register Applicant's applied for REGIONS mark pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), having concluded that the mark merely describes Applicant's goods based on use of the word "regions" in the context of "wine." As previously stated in response to the initial office action, Applicant respectfully disagrees with the Examining Attorney's assertion that the applied for REGIONS mark functions as a descriptor of Applicant's wine and submits that the mark is at least suggestive of wine.

Simply stated, Applicant's REGIONS mark, akin to other marks that include the word "regions" for wine, does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the wine. Applicant's mark alone does not and cannot describe the origin of the wine to consumers. Use of the word "regions" does not in any way inform the consumer about the wine sold under the REGIONS mark.

The Examining Attorney continues to rely on web pages and LEXIS NEXIS citations that reference the term "wine region" or a particular "wine region," such as Bordeaux or Loire, to support his position that REGIONS is some how descriptive of wine. For all of the reasons previously noted in Applicant's initial office action response, these citations, however, do not render the term "regions" descriptive of wine. Rather, these citations illustrate only the general notion that wine grapes are understood to emanate from a particular geographic area of the world. These citations fail to show how use of the mark "REGIONS" in anyway communicates to consumers in a descriptive fashion an inherent quality, characteristic, function, or feature of Applicant's wine. Indeed, the proposed mark REGIONS does not convey in any way the geographic area,

country, state or wine region, from where the wine grapes of Applicant's product emanate. As such, the mark REGIONS should be considered at least suggestive.

This conclusion that Applicant's REGIONS mark for wine should be accepted as sufficiently distinct and not descriptive recently has been accepted by the Trademark Office with regards to a third party application. The application for the mark SEVEN REGIONS COLLECTION (Serial. No. 78/072019, filed July 2, 2001)¹ was published on July 2, 2002, the day after the Examining Attorney's final Office Action issued here, and allowed on September 24, 2002 for wine without any requirement that the term REGIONS be disclaimed. Rather, there the Examining Attorney only found the word "collection" descriptive and subject to a disclaimer. Even though REGIONS was not disclaimed, significantly no third party opposition was brought against this application only serving further to confirm that the relevant marketplace does not consider REGIONS a descriptive term as applied to wine. A true and correct copy of the TEAS printout for the mark SEVEN REGIONS COLLECTION for wine is attached hereto as Exhibit A. Since the SEVEN REGIONS COLLECTION mark has been allowed to proceed to registration for wine without any need to disclaim the word "regions", Applicant's REGIONS mark also should be allowed to proceed to registration for wine.

Indeed, it is well accepted that any doubts regarding whether a term is merely descriptive should be resolved in favor of the applicant. *See, e.g., In Re the Stroh Brewery Co.*, 34 U.S.P.Q. 2d 1796 (T.T.A.B. 1994) ("VIRGIN" allowed to register for non alcoholic malt beverages without disclaimer); *In Re Health Facts, Inc.*, 2001 WL

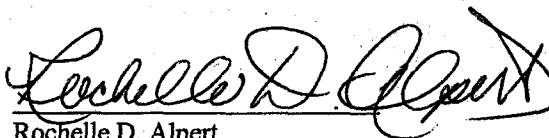
¹ Significantly, the filing date of the SEVEN REGIONS COLLECTION intent to use application falls well after that of Applicant.

12820 (TTAB 2001) (A MAN'S FACE allowed to register for non-medicated skin products).

Accordingly, based on the Applicant's response to Office Action No. 1 and the additional information provided here in connection with this request for reconsideration, Applicant requests that the Examining Attorney withdraw his final office action and allow the application at issue to proceed to publication.

Dated: December 30, 2002

Respectfully submitted,



Rochelle D. Alpert
Attorney for Applicant
Brobeck Phleger & Harrison, LLP
Spear Street Tower
One Market
San Francisco, CA 94105
(415) 442-1326
ralpert@brobeck.com

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Typed Drawing

Word Mark SEVEN REGIONS COLLECTION
Goods and Services IC 033. US 047 049. G & S: Alcoholic beverages, namely wines
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78072019
Filing Date July 2, 2001
Filed ITU FILED AS ITU
Published for Opposition July 2, 2002
Owner (APPLICANT) DIAGEO NORTH AMERICA, INC. CORPORATION BY CHANGE OF NAME CONNECTICUT SIX LANDMARK SQUARE STAMFORD CONNECTICUT 06901
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Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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12/27/2002

Latest Status Info

Page 2 of 3

United States
State or Country of Incorporation: Connecticut
Legal Entity Type: Corporation

GOODS AND/OR SERVICES

Alcoholic beverages, namely wines
International Class: 033
First Use Date:
First Use in Commerce Date:

Basis: 1(b)

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

PROSECUTION HISTORY

2002-09-24 - Notice of allowance - mailed
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2002-06-12 - Notice of publication
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2002-01-22 - Communication received from applicant
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2001-08-31 - Case file assigned to examining attorney

CONTACT INFORMATION

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78072019>

12/27/2002

Page 3 of 3

Latest Status Info

Correspondent (Owner)
GUINNESS UDV NORTH AMERICA, INC.
6 LANDMARK SQ
STAMFORD CT 06901-2704
United States

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78072019>

12/27/2002

TRADEMARK
Docket No. 031998.2090

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Serial No.: 76/242955
Filing Date: April 17, 2001

Trademark Atty: Jason F. Turner, Esq.

Law Office: 108

Office Action Mailing Date:
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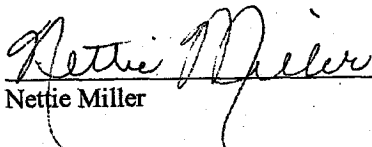
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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

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Nettie Miller

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Simply stated, Applicant's REGIONS mark, akin to other marks that include the word "regions" for wine, does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the wine. Applicant's mark alone does not and cannot describe the origin of the wine to consumers. Use of the word "regions" does not in any way inform the consumer about the wine sold under the REGIONS mark.

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country, state or wine region, from where the wine grapes of Applicant's product emanate. As such, the mark REGIONS should be considered at least suggestive.

This conclusion that Applicant's REGIONS mark for wine should be accepted as sufficiently distinct and not descriptive recently has been accepted by the Trademark Office with regards to a third party application. The application for the mark SEVEN REGIONS COLLECTION (Serial. No. 78/072019, filed July 2, 2001)¹ was published on July 2, 2002, the day after the Examining Attorney's final Office Action issued here, and allowed on September 24, 2002 for wine without any requirement that the term REGIONS be disclaimed. Rather, there the Examining Attorney only found the word "collection" descriptive and subject to a disclaimer. Even though REGIONS was not disclaimed, significantly no third party opposition was brought against this application only serving further to confirm that the relevant marketplace does not consider REGIONS a descriptive term as applied to wine. A true and correct copy of the TEAS printout for the mark SEVEN REGIONS COLLECTION for wine is attached hereto as Exhibit A. Since the SEVEN REGIONS COLLECTION mark has been allowed to proceed to registration for wine without any need to disclaim the word "regions", Applicant's REGIONS mark also should be allowed to proceed to registration for wine.

Indeed, it is well accepted that any doubts regarding whether a term is merely descriptive should be resolved in favor of the applicant. *See, e.g., In Re the Stroh Brewery Co.*, 34 U.S.P.Q. 2d 1796 (T.T.A.B. 1994) ("VIRGIN" allowed to register for non alcoholic malt beverages without disclaimer); *In Re Health Facts, Inc.*, 2001 WL

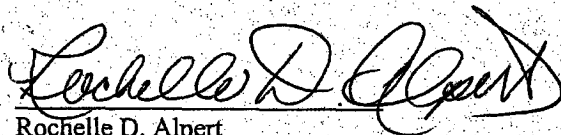
¹ Significantly, the filing date of the SEVEN REGIONS COLLECTION intent to use application falls well after that of Applicant.

12820 (TTAB 2001) (A MAN'S FACE allowed to register for non-medicated skin products).

Accordingly, based on the Applicant's response to Office Action No. 1 and the additional information provided here in connection with this request for reconsideration, Applicant requests that the Examining Attorney withdraw his final office action and allow the application at issue to proceed to publication.

Dated: December 30, 2002

Respectfully submitted,



Rochelle D. Alpert
Attorney for Applicant
Brobeck Phleger & Harrison, LLP
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One Market
San Francisco, CA 94105
(415) 442-1326
ralpert@brobeck.com

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Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

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Record 1 out of 1

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	SEVEN REGIONS COLLECTION
Goods and Services	IC 033. US 047 049. G & S: Alcoholic beverages, namely wines
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78072019
Filing Date	July 2, 2001
Filed ITU	FILED AS ITU
Published for Opposition	July 2, 2002
Owner	(APPLICANT) DIAGEO NORTH AMERICA, INC. CORPORATION BY CHANGE OF NAME CONNECTICUT SIX LANDMARK SQUARE STAMFORD CONNECTICUT 06901
Assignment Recorded	ASSIGNMENT RECORDED

<http://tess.uspto.gov/bin/showfield?f=doc&state=ejipcl.4.1>

12/27/2002

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Page 2 of 2

Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLLECTION" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Marking Docs	TOP	HELP
--------------------------	---------------------------	---------------------------	--------------------------	----------------------------	---------------------------	------------------------------	---------------------	----------------------

Latest Status Info

Page 2 of 3

United States
State or Country of Incorporation: Connecticut
Legal Entity Type: Corporation

GOODS AND/OR SERVICES

Alcoholic beverages, namely wines
International Class: 033
First Use Date:
First Use in Commerce Date:

Basis: 1(b)

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

PROSECUTION HISTORY

2002-09-24 - Notice of allowance - mailed
2002-07-02 - Published for opposition
2002-06-12 - Notice of publication
2002-03-07 - Approved for Pub - Principal Register (Initial exam)
2002-01-22 - Communication received from applicant
2001-09-07 - Non-final action mailed
2001-08-31 - Case file assigned to examining attorney

CONTACT INFORMATION

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78072019>

12/27/2002

Latest Status Info

Page 3 of 3

Correspondent (Owner)
GUINNESS UDV NORTH AMERICA, INC.
6 LANDMARK SQ
STAMFORD CT 06901-2704
United States

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78072019>

12/27/2002

TTAB
Docket No. 031998.2090

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

04 JAN 13 AM 9:30

Applicant	:	Winery Exchange, Inc. (formerly Wineryexchange.com))
Serial No.	:	76/242955)
Office Action Mailed	:	July 1, 2002)
Mark	:	REGIONS)
Examining Attorney	:	Jason F. Turner, Esq.)
Law Office	:	108)



01-06-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #77

**NOTICE OF APPEAL OF FINAL REFUSAL TO REGISTER
UNDER 37 C.F.R. §2.142(a)**

BOX TTAB - FEE
Assistant Commissioner of Patent and Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

01/09/2003 MAILSON 00000100 76242955

01 FC:6403

100.00 BP

Applicant appeals the Examining Attorney's refusal of the above referenced application.

In the Office Action mailed on July 2, 2002, the Examining Attorney maintained his objection to the above-referenced application on the basis that the above-referenced mark is descriptive of the identified services. In its Request for Reconsideration under C.F.R. §2.64(a) and Response to Office Action No. 2 ("Request for Reconsideration and Response"), filed simultaneously herewith, Applicant supplies additional information that it believes addresses the

Docket No. 031998.2090

Examining Attorney's objections raised in the Office Action and states grounds which support the withdrawal of the Examining Attorney's objections. A copy of Applicant's Request for Reconsideration and Response is attached hereto.

In addition, Applicant encloses a check in the amount of \$100.00 to cover the necessary filing fee. Applicant respectfully requests that the Commissioner charge any additional fees that may be required to **Deposit Account No. 02-3950**.

Pursuant to C.F.R. §2.142(b)(1), Applicant shall file a brief in support of its appeal within 60 days from the mailing date of this Notice of Appeal.

Should there be any questions regarding the foregoing, Applicant respectfully requests that the undersigned be contacted at the telephone number listed below.

Respectfully submitted,

Dated: December 30, 2002

BROBECK, PHLEGER & HARRISON LLP
Attorneys for Applicant



Rochelle D. Alpert
One Market
Spear Street Tower
San Francisco, California 94105
(415) 442-1326
ralpert@brobeck.com

Incoming Correspondence Routing Sheet

To: ~~TMEG LAW OFFICE 108 - EXAMINING ATTORNEY ASSIC~~

657 Pre-Publication Final Review
LD-108

Word Mark: REGIONS

Serial No: 76242955



2
an

Mail Date: 04162004



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No Fee

RAM Mail Date: 041604



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: January 17, 2003

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

CARLA B. OAKLEY
BROBECK PHLEGER & HARRISON
ONE MARKET, Spear Street Twr
SAN FRANCISCO, CA 94105

Karl Kochersperger, Paralegal

Applicant's appeal and request for reconsideration filed January 6, 2003, (with a certificate of mailing dated December 30, 2002) are noted.

The request for reconsideration requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the file is herewith remanded to the Examining Attorney.

In the event registrability is found on the basis of this paper, the appeal will be moot and the Board should be so informed. In the event the refusal of registration is maintained, the file should be returned to the Trademark Trial and Appeal Board, proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/242955

APPLICANT: Wineryexchange.com

CORRESPONDENT ADDRESS:
CARLA B. OAKLEY
BROBECK PHLEGER & HARRISON LLP
SPEAR STREET TOWER
ONE MARKET
SAN FRANCISCO, CALIFORNIA 94105

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom108@uspto.gov

MARK: REGIONS

CORRESPONDENT'S REFERENCE/DOCKET NO: 031998.2090

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/242955

Applicant is requesting reconsideration of a final refusal dated 7/01/02. The examining attorney has carefully reviewed the request for reconsideration and has determined that no new facts or reasons have been presented that are significant or compelling with regard to the point at issue. Accordingly, the final action is maintained as written and the request for reconsideration is *denied*. 37 C.F.R. §2.64(b); TMEP §715.03(c).

Refusal is Maintained

Registration was refused under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), because the proposed mark is merely descriptive of the identified goods. The applicant's proposed mark is "REGIONS" for wine. The applicant submits in the request for reconsideration that a third party registration for different mark illustrates that the proposed mark should be allowed in this instance. The examining attorney has considered the applicant's argument carefully but has found it unpersuasive. For the reasons below, the FINAL refusal under Section 2(e)(1) is maintained.

As the Trademark Act Section (2)(e)(1), 15 U.S.C. 1052(e)(1) states:

No trademark by which the goods of the applicant may be distinguished from the goods of others be refused registration on the principal register on account of its nature unless it . . .

(e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant, is merely descriptive or deceptively misdescriptive of them

The proposed mark "region" is defined as a specified district or territory.[1] A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b). As applied to the goods, the term appears to be descriptive of an important aspect of the goods, namely, the district or territory where the goods originate. In fact, some wines are named for the region from which they originate. For example, "Bordeaux" is defined as "a red or white wine originally produced in the region around Bordeaux, France and as a city of southwest France on the Garonne River. . . Bordeaux is the trading center of a notable wine-producing region. Population, 208,159 (italics added). [2] Accordingly, the term "region" appears to describe a rather important feature of wine.

The applicant argues and submits a third party registration which utilizes the proposed mark in question to illustrate why the proposed mark is allowable. However, third-party registrations are not conclusive on the question of descriptiveness. The examining attorney must consider each case on its own merits. A mark which is merely descriptive is not registrable merely because other similar marks appear on the register. *Sun Microsystems Inc.*, 59 USPQ2d 1084 (TTAB 2001). TMEP §1209.03(a).

The examining attorney submits that the mark both immediately conveys and describes a characteristic of the applicant's goods, namely, a commonly used term identifying where the wine originates. *In re Orleans Wines, Ltd.*, 196 USPQ 516 (TTAB 1977). It should be noted that it is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods or services to be merely descriptive. It is enough if the term describes an attribute of the goods, as it clearly does in this instance. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973); *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987).

The "Certified Wine Specialist Study Guide," a manual for a wine professional certification program, uses "WINE REGIONS" as one of the five unit headings for the entire manual. The region from which the wine originates clearly appears to be a significant consideration in the taste, texture and ultimate selection of wine. Granting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively inform consumers of a significant factor concerning the goods.

Please see the attached additional articles and internet evidence further illustrating descriptive use of the "regions" in identifying and describing a significant aspect of wines. Based on the above, the mark can be registered on the Principal Register as it is merely descriptive of a characteristic of the identified goods. The application file will be returned to the Trademark Trial and Appeal Board for resumption of the appeal.

/Jason F. Turner/
Examining Attorney
Law Office 108
(703) 308-9108 Ext. 247

(703) 746-8108 (Fax)
ecom108@uspto.gov
(703) 305-8747 (Status)

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To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

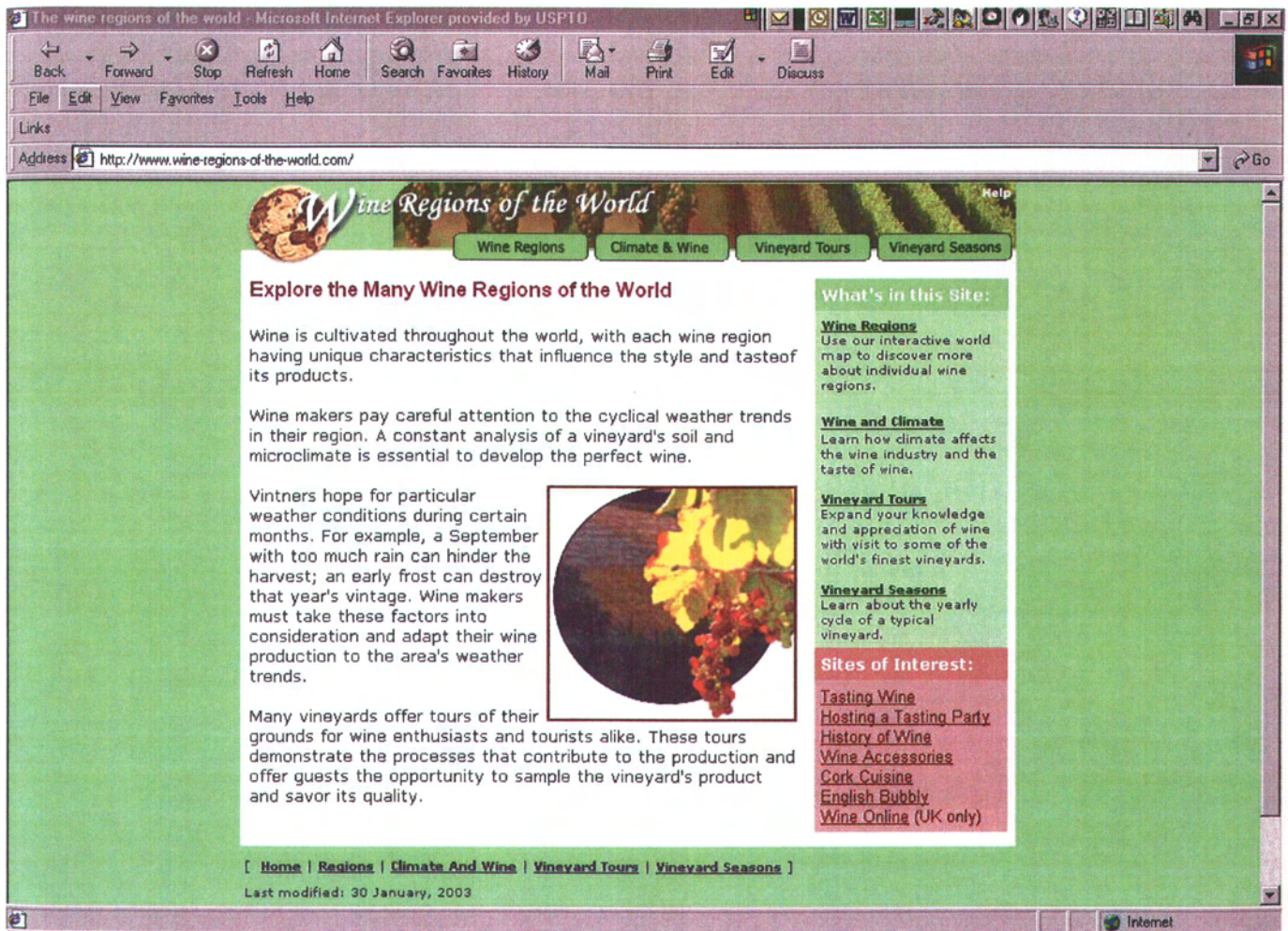
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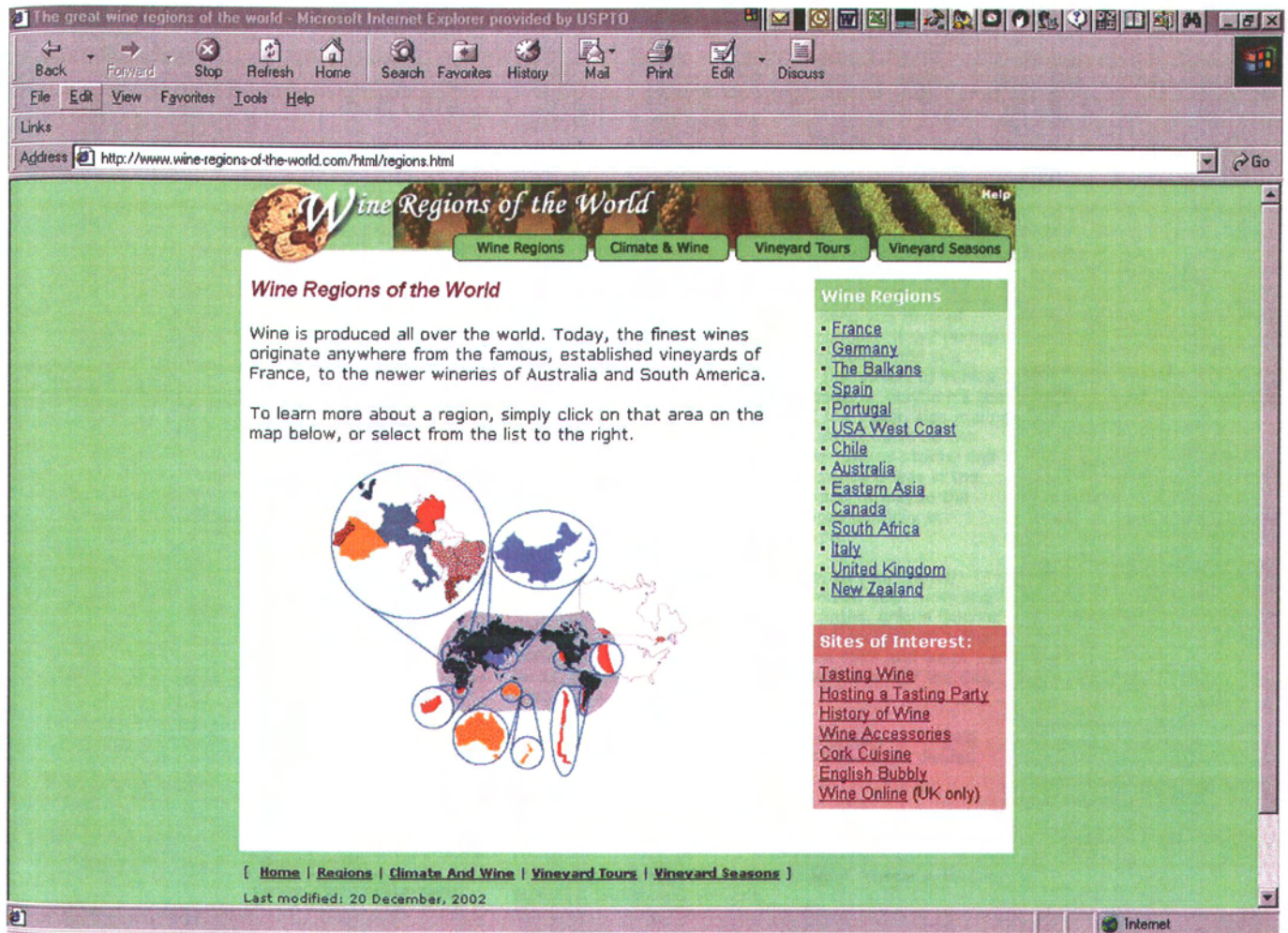
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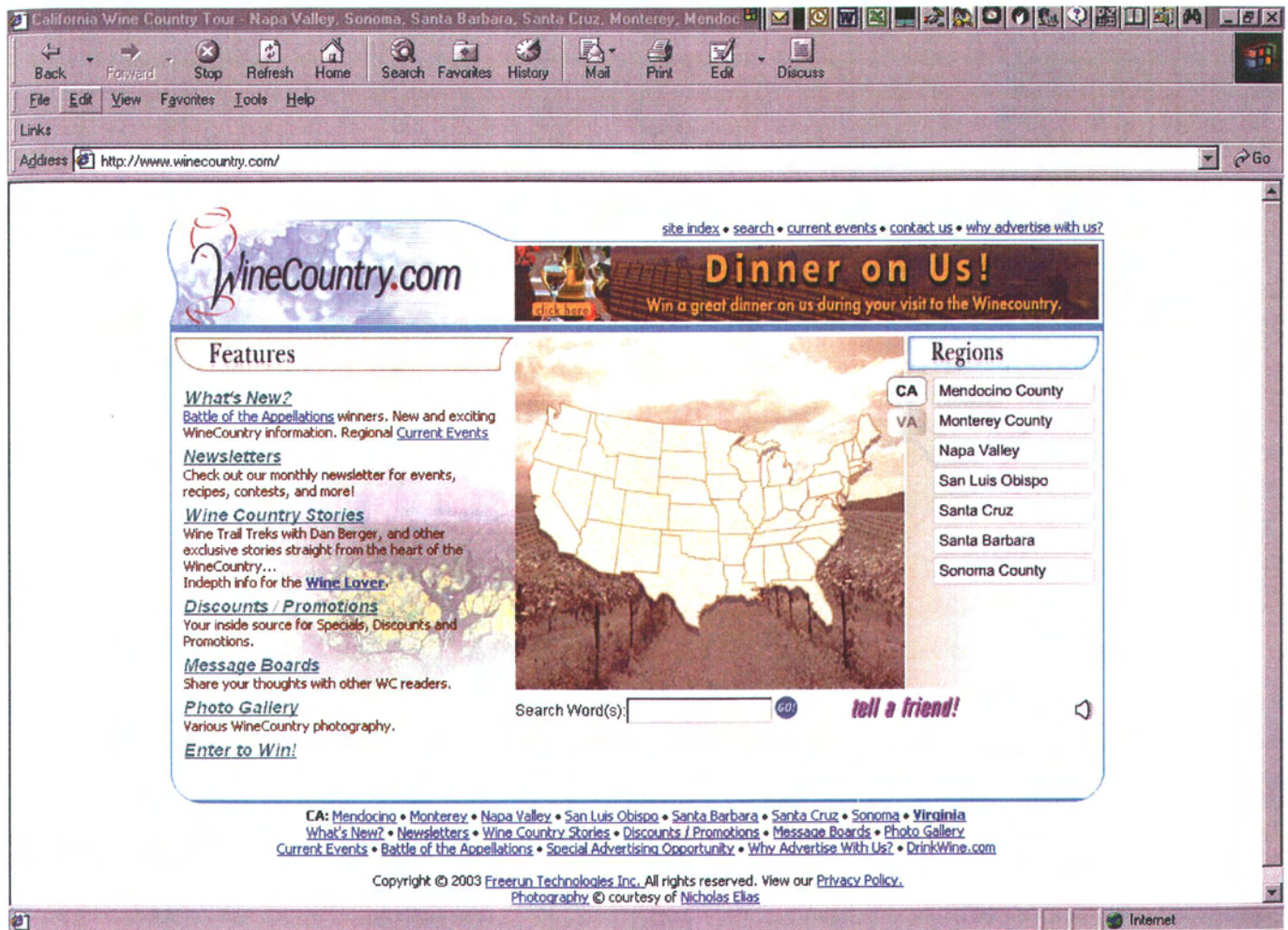
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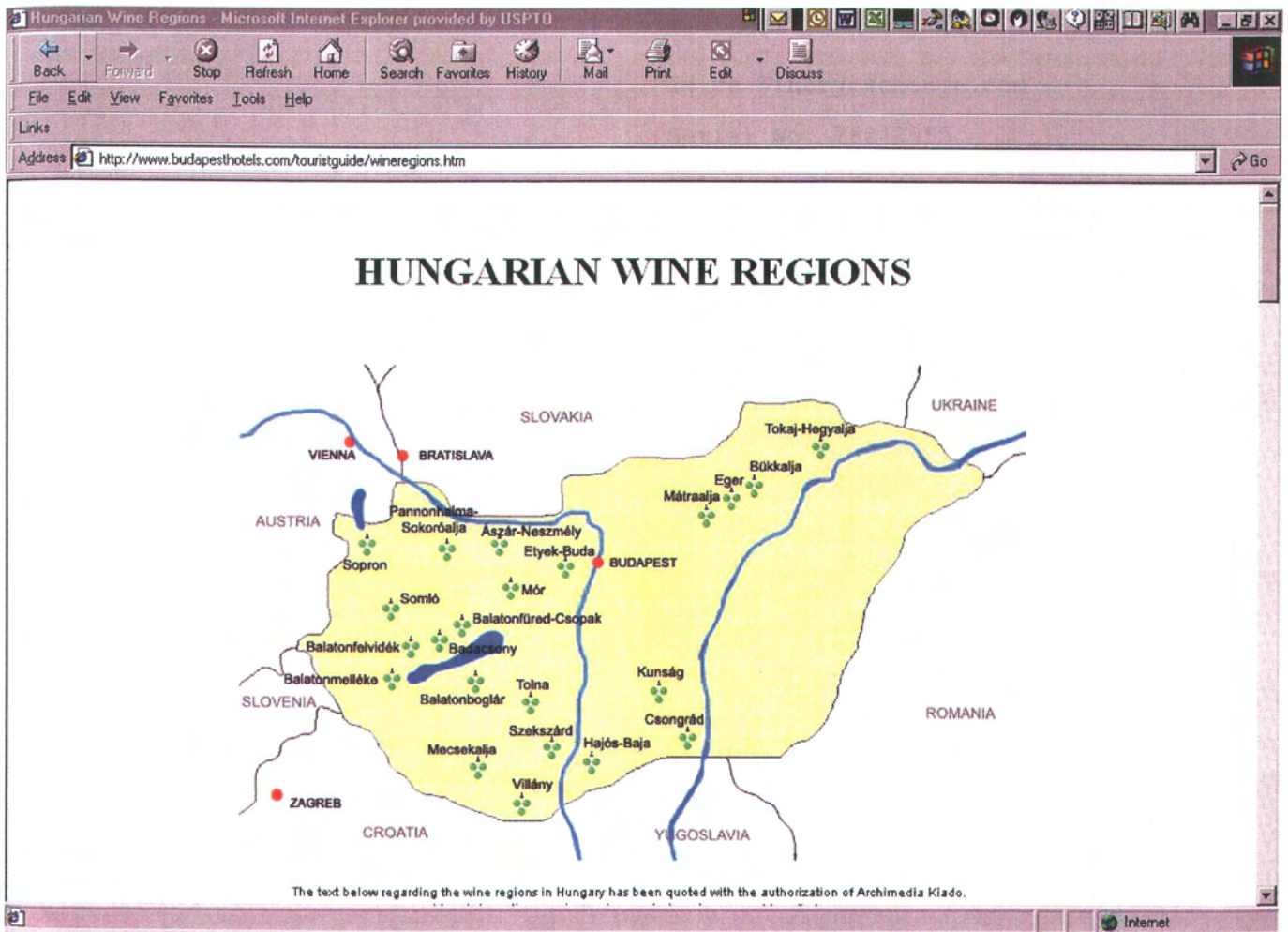
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 17, 2003

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

CARLA B. OAKLEY
BROBECK PHLEGER & HARRISON
ONE MARKET, Spear Street Twr
SAN FRANCISCO, CA 94105

In view of the decision by the Trademark Examining Attorney on June 2, 2003, the appeal is resumed; and applicant is allowed until sixty days from the date hereof in which to file its brief herein.¹ A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.

Karl Kochersperger, Paralegal

¹It should be noted that the Trademark Attorney inadvertently indicated that "A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT." This clause is not applicable under the circumstances of this case.

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/242955

APPLICANT: Wineryexchange.com

JUN - 2 2003

CORRESPONDENT ADDRESS:

CARLA B. OAKLEY
BROBECK PHLEGER & HARRISON LLP
SPEAR STREET TOWER
ONE MARKET
SAN FRANCISCO, CALIFORNIA 94105

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom108@uspto.gov

MARK: REGIONS

CORRESPONDENT'S REFERENCE/DOCKET NO: 031998.2090

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

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RE: Serial Number 76/242955

Applicant is requesting reconsideration of a final refusal dated 7/01/02. The examining attorney has carefully reviewed the request for reconsideration and has determined that no new facts or reasons have been presented that are significant or compelling with regard to the point at issue. Accordingly, the final action is maintained as written and the request for reconsideration is *denied*. 37 C.F.R. §2.64(b); TMEP §715.03(c).

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The "Certified Wine Specialist Study Guide," a manual for a wine professional certification program, uses "WINE REGIONS" as one of the five unit headings for the entire manual. The region from which the wine originates clearly appears to be a significant consideration in the taste,

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texture and ultimate selection of wine. Granting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively inform consumers of a significant factor concerning the goods.

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/Jason F. Turner/
Examining Attorney
Law Office 108
(703) 308-9108 Ext. 247
(703) 746-8108 (Fax)
ecom108@uspto.gov
(703) 305-8747 (Status)

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To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

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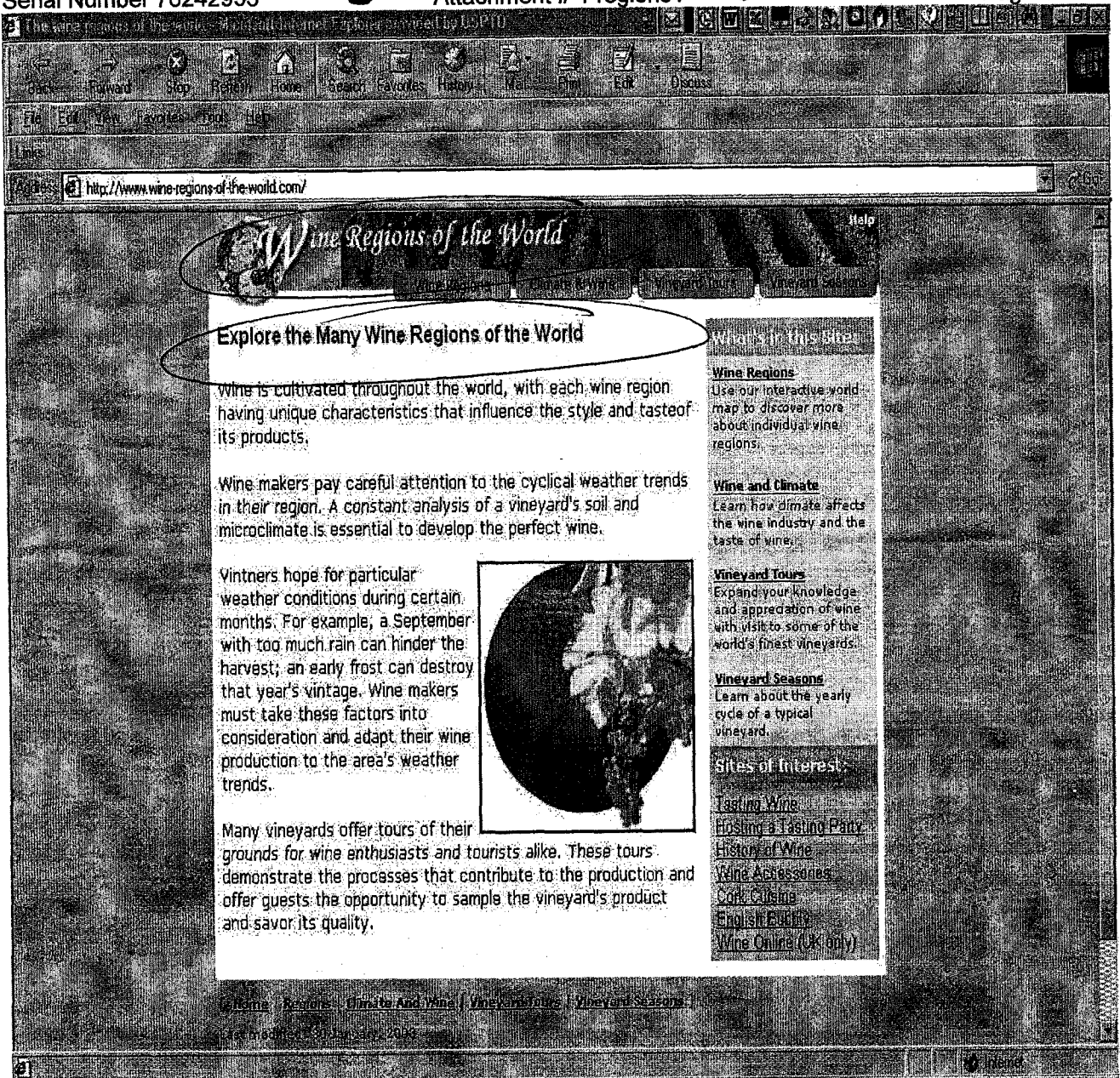
For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

Serial Number 76242955

Attachment # 1 regions1

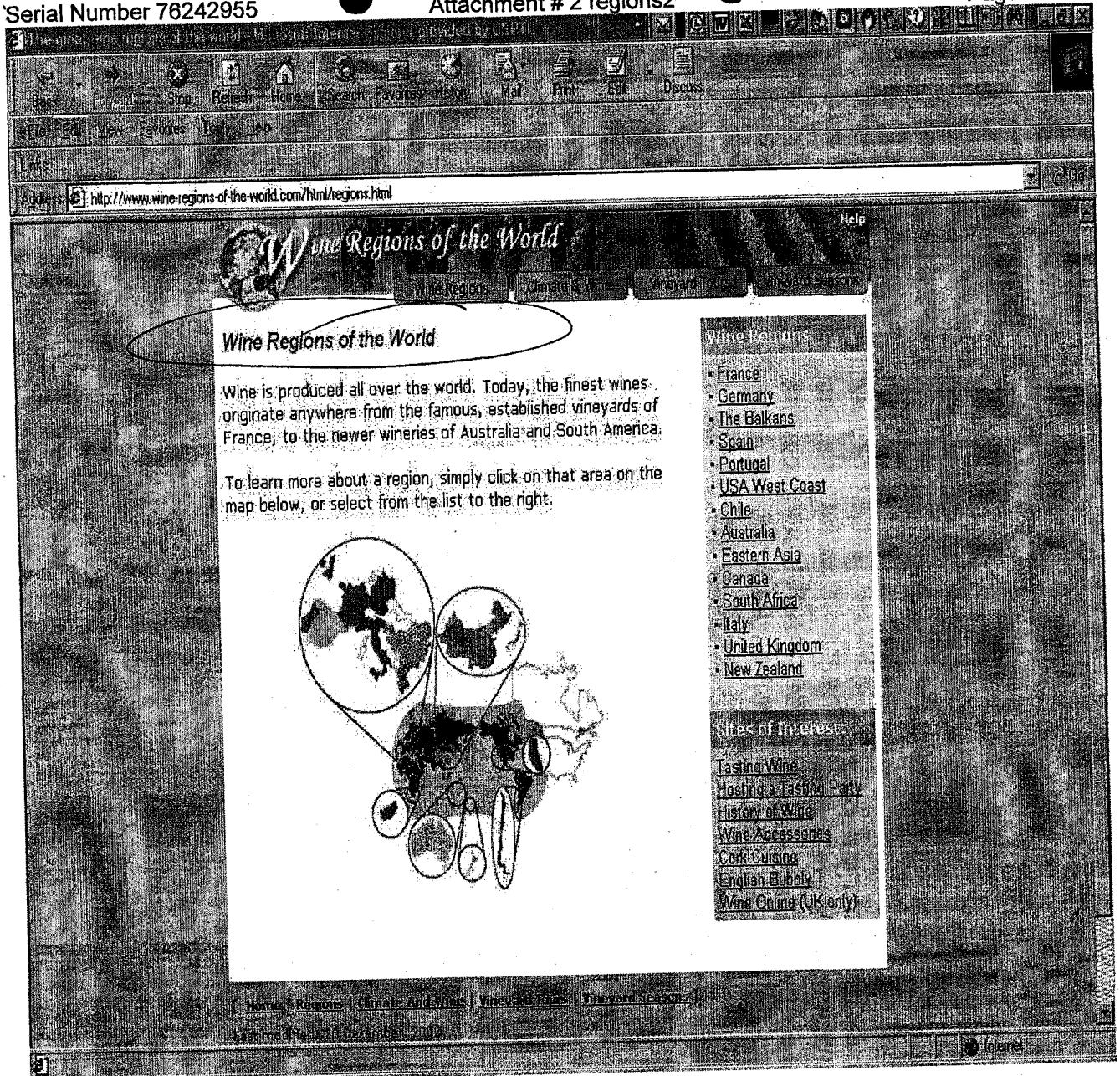
Page 1 Of 1



Serial Number 76242955

Attachment # 2 regions2

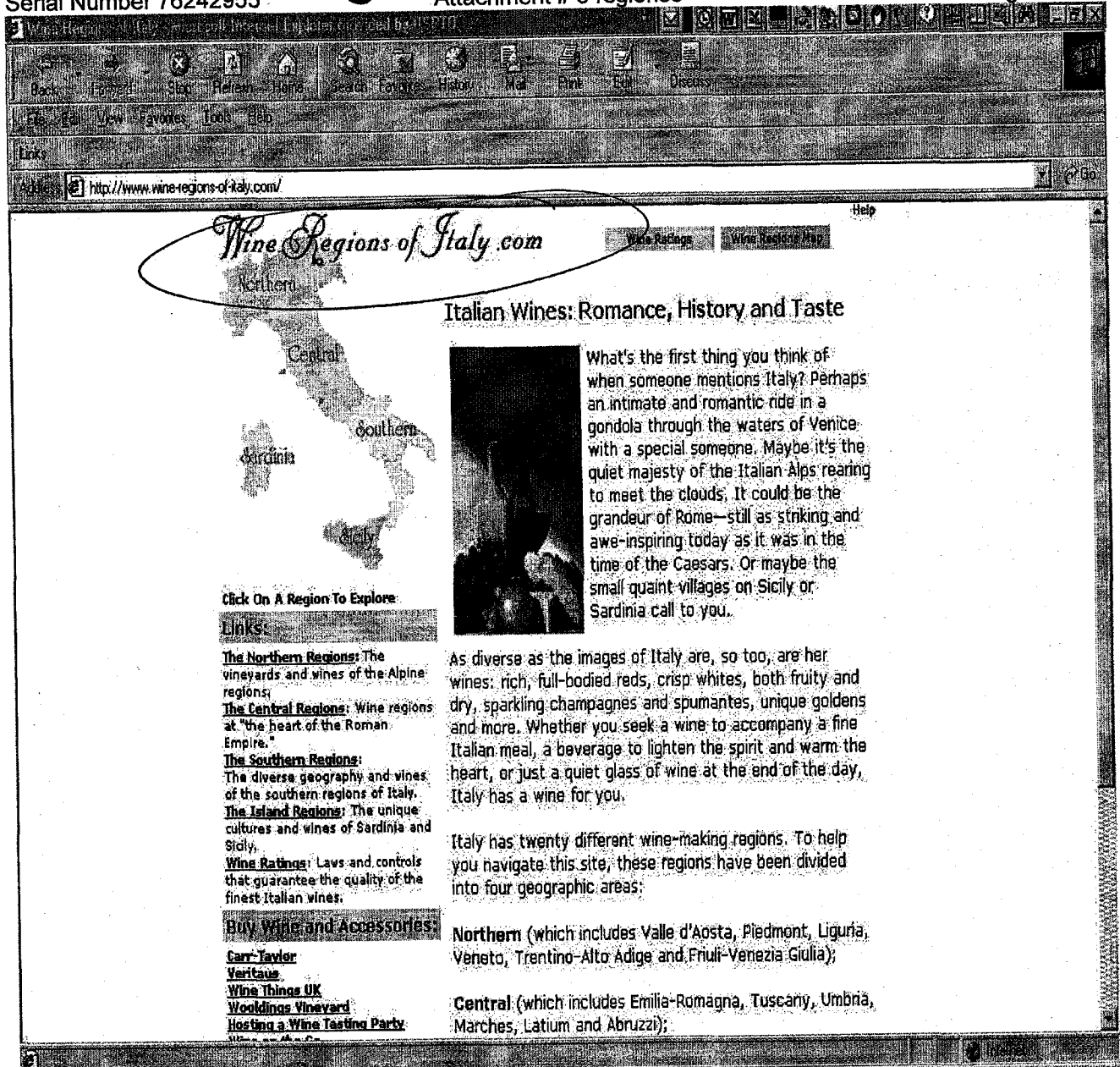
Page 1 Of 1



Serial Number 76242955

Attachment # 3 regions3

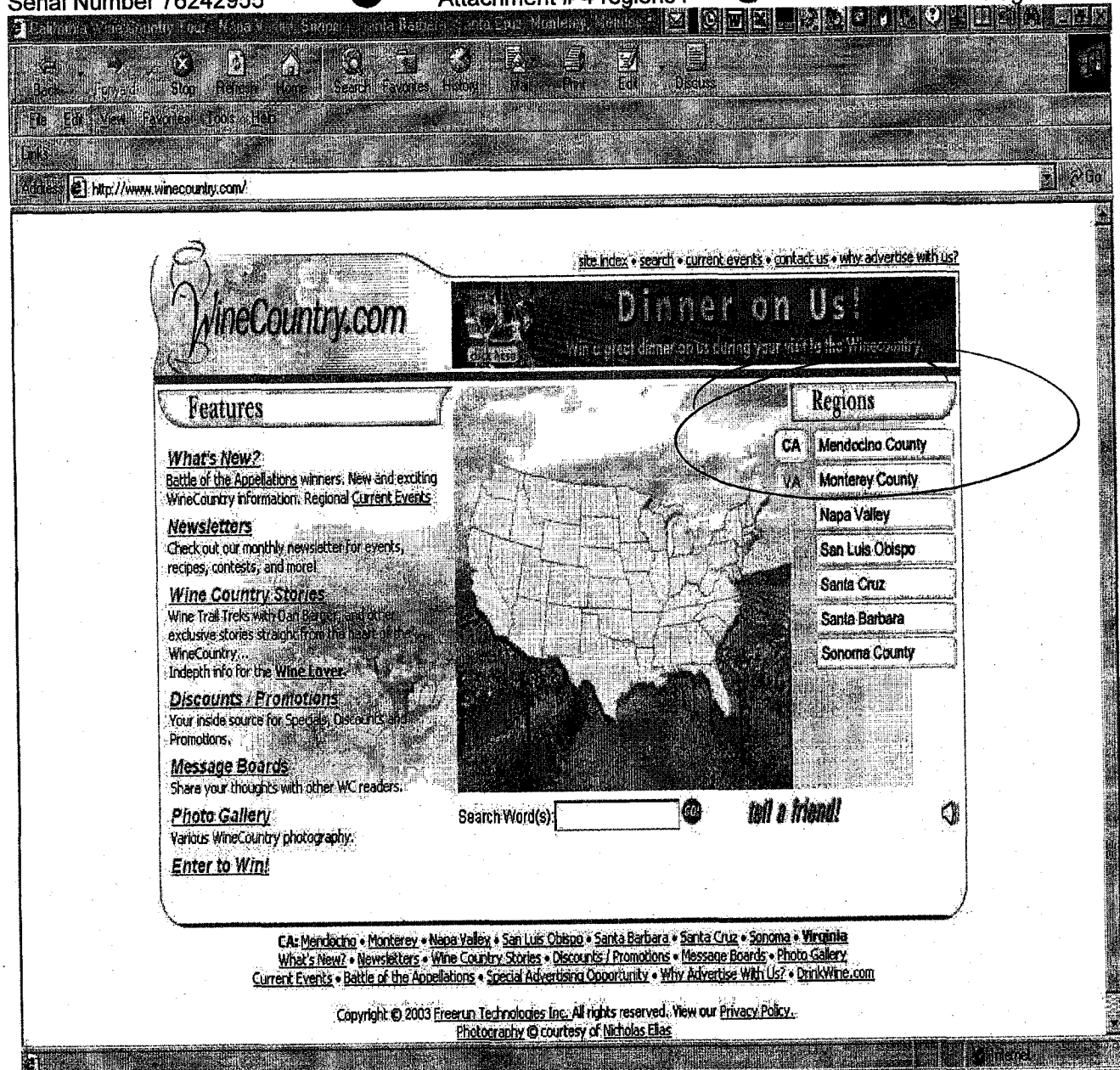
Page 1 Of 1



Serial Number 76242955

Attachment # 4 regions4

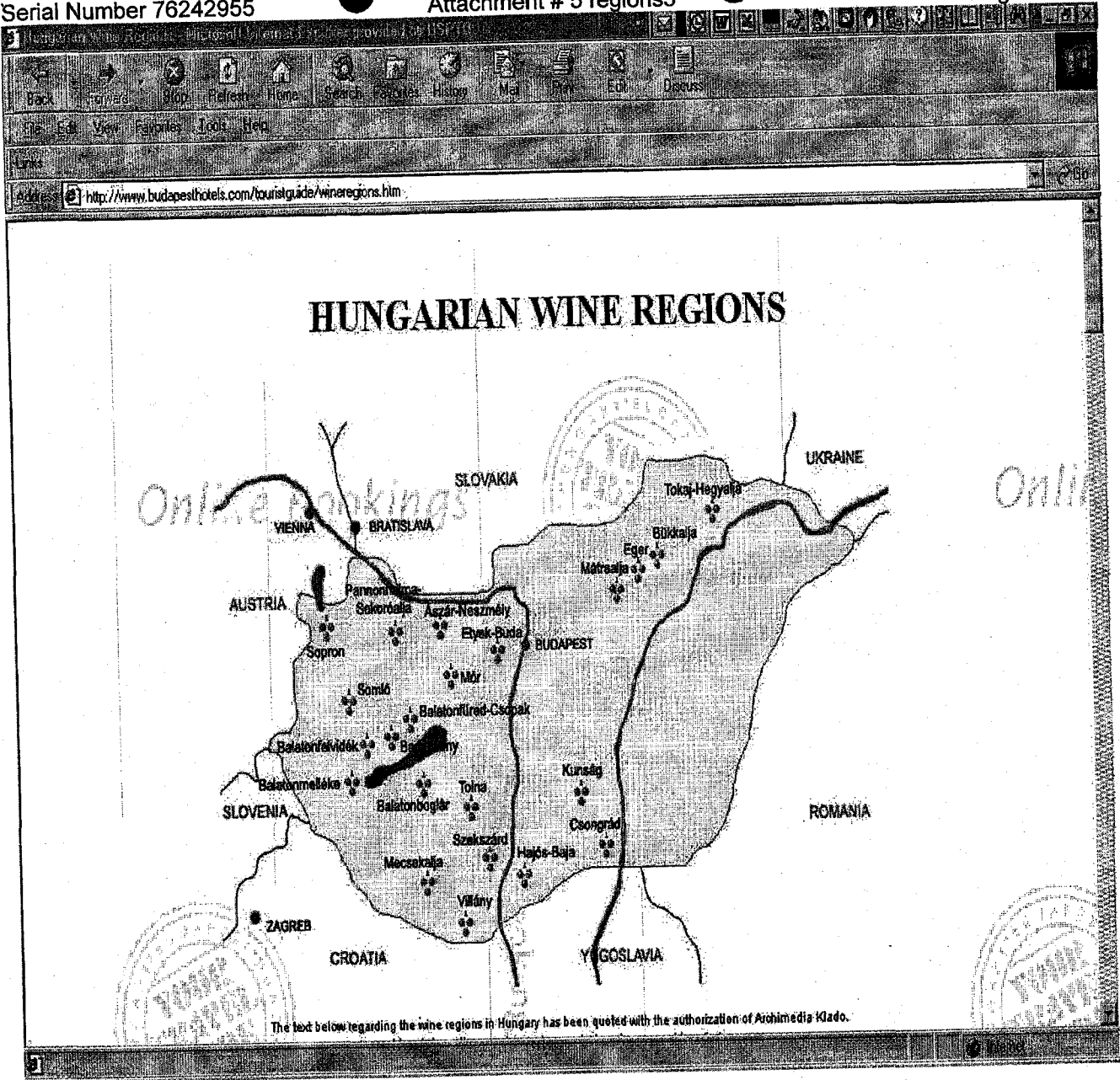
Page 1 Of 1



Serial Number 76242955

Attachment # 5 regions5

Page 1 Of 1



Wine Education and Certification Programs

CERTIFIED WINE SPECIALIST

Study Guide



An Educational Resource
Published by The Society of Wine Educators

Table of Contents

CERTIFIED WINE SPECIALIST Study Guide

UNIT ONE

VITICULTURE AND GRAPE VARIETIES

- 1 Viticulture
- 2 White Grape Varieties
- 3 Red Grape Varieties

UNIT TWO

WINE PRODUCTION

- 4 Fermentation and Still Wine Production
- 5 Sparkling Wine Production
- 6 Fortified Wine Production

UNIT THREE: WINE REGIONS

- 7 The United States
- 8 France
- 9 Italy
- 10 Spain and Portugal
- 11 Germany and Austria
- 12 The Southern Hemisphere

UNIT FOUR: WINE TASTING

- 13 Wine Composition and Chemistry
- 14 Wine Tasting and Faults
- 15 The Physiology of Taste

UNIT FIVE:

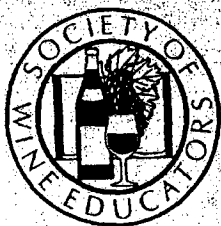
ADDITIONAL RESOURCES

- 16 Wine and Health
- 17 Wine Etiquette and Service
- 18 How to Read a Wine Label

Conversions

Study Questions

Bibliography and Supplementary Reading



PREFACE

Advancing wine education through professional development and certification: this is the mission of the Society of Wine Educators (SWE). The *Certified Wine Specialist Study Guide*, the first of its type published by SWE, is living proof of this mission. The purpose of SWE's educational programs and this guide in particular are to:

- assist wine professionals in becoming better at what they do in the wine arena—be it as educators, trainers, sales professionals, importers, restaurateurs, public relations professionals, or some other role
- provide access to current, reliable wine information
- help wine professionals gain a competitive edge in the marketplace through improved knowledge and assist individuals in enhancing their careers by providing them with a set of high professional standards

WHY THIS PROGRAM WAS CREATED

The original concept for this project came out of the need discovered through many calls and requests for a comprehensive, step-by-step training program for individuals wanting to enter into the wine industry. Who better than SWE to lead this initiative and provide the study materials and training that would fulfill this need? Acknowledging this need led to the revision of SWE's mission by the Board of Directors back in 1998 followed by the creation of a professional development framework in 1999.

To accomplish this portion of the Society's mission, the board split the governance of the education program into three parts: professional development and certification, corporate training and certification, and hospitality training and certification. This guide is a direct result of the corporate training and certification committee.

When the first group of SWE's corporate members were asked for input about SWE's role in wine education, it was clear that while many companies already provide their employees with ongoing training, they desired independent certification of those employees. These leaders in industry wine education stated clearly that there are de facto industry standards for their employees' wine education needs and that SWE should promote them. The committee then identified a list of specific topics needed and supplied the supporting material. The Society has compiled this material into this comprehensive study guide. Without the vision and contributions of this committee, this publication would not have been possible.

FOOD & WINE

June 2003

the grilling issue

fast barbecue sauces & salsas

tasty, juicy burgers

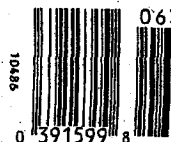
wraps & packs for the grill



tequila

a connoisseur's guide

AOL Keyword: Food & Wine



10486

0 391599 8

067

U.S. \$3.95 CAN. \$4.95

FACT SHEET: greece

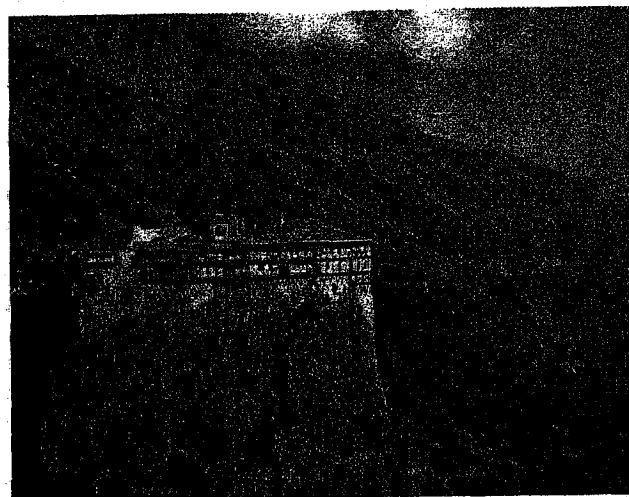
BY RICHARD NALLEY

A NEW GENERATION OF INTERNATIONALLY TRAINED GREEK winemakers are scouting out some of the best vineyard sites from Crete to Macedonia and turning out some truly gorgeous wines. Their top offerings aren't cheap, but their prices haven't yet caught up with their remarkable achievements.

GREEK GRAPES While French grapes like Merlot are now more common in Greece, many producers are using indigenous Greek grapes like Naoussa's spicy red Xinomavro and the dark, perfumed Agiorgitiko of Nemea. In whites, look for wines made from the rich Malagouzia or the crisp Assyrtiko.

FOOD MATCHES Greece's best modern producers are creating fresher, rounder wines that still retain the grapes' natural acidity to make them perfect for pairing with food.

NAMES TO KNOW Top importers include Athenee, Fantis and Amerikus.



Grapes have long been grown near the monasteries of Mt. Athos.

10 TOP BOTTLES



2001 Antonopoulos Adoli Ghis (\$14) Made predominantly from the Lagorthi grape, which is grown in the mountain villages of Kalavryta, this exotic white is dry and medium-bodied with a minerally undercurrent and flavors of melon, apple and honeysuckle.

2001 Chateau Carras Malagouzia (\$18) This northern Aegean white is produced from organic grapes grown on the slopes of Mt. Meliton. Round and full in the mouth, it has a lean, lively cut of acidity—and a lovely aroma of apple and citrus.

2002 Gai'a Notios (\$10) This fresh, aromatic white, blended

from the native Moscofilero and Roditis grapes, exudes an intriguing perfume of grapefruit and peach.

2001 Domaine Spiropoulos Meliasto (\$10) Here's something different in a dry rosé. This light-bodied wine comes from the central Peloponnese and is marked by a delicate floral bouquet of roses and gardenias.

2000 Estate Averoff Ktima Averoff (\$20) Averoff is home to some of the oldest vines in Greece, which produce this Cabernet blend—a top example of a Bordeaux-style Greek red. Along with its silky tannins, it shows off classic notes of plum and cassia.

2000 Karydas Naoussa (\$22)

Grown in limestone soils in a vineyard planted 73 years ago in the northern region of Naoussa, this noteworthy red is supersoft, with delicate cherry aromas reminiscent of Pinot Noir.

1999 Papaioannou Estate Nemea (\$14) A big, impressive red from Nemea that's just beginning to open up, this wine will benefit from another 5 to 10 years of aging. Give it half an hour in a decanter to unfold aromas of earth and burnt spice.

2000 Tsantali Xinomavro (\$15) Produced by one of Greece's top large wineries, this Macedonian red is made from the Xinomavro (the name means "acid, black") grape. It's medium-bodied with luscious notes of blackberry and blueberry.

1999 COOPERATIVE OF SAMOS NECTAR (\$14) This is a knockout dessert wine and a great bargain as well. Made on the island of Samos, it has walnut and raisin flavors reminiscent of a fine tawny port.

1997 Boutari Grande Reserve Naoussa (\$15) This deftly oaked, medium-rich wine from one of Greece's best-known producers is marked by bright notes of red fruit and racy acidity; it seems to grow more luscious when paired with food.

Exploring Sonoma Valley ♦ Cab Is King! ♦ Picnicing In Provence

Touring & Tasting

WINE • FOOD • TRAVEL

*Spring-Summer
Edition*

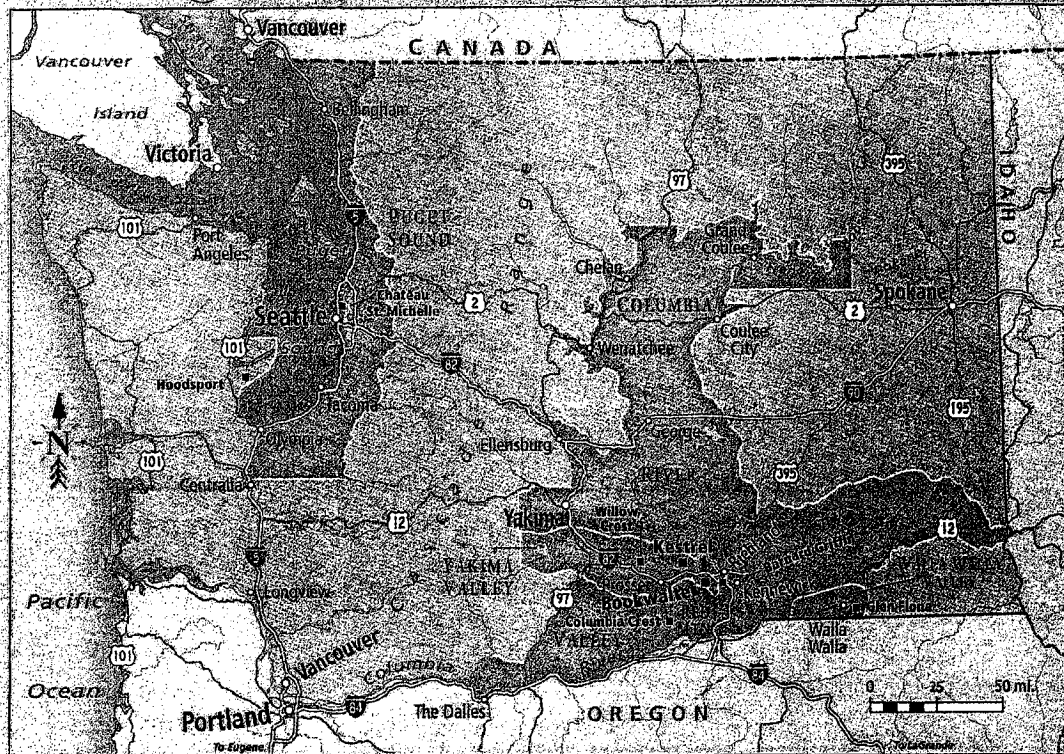
**HERITAGE
OF
America's
Bordeaux**

**TAKE
OF
PASO ROBLES**

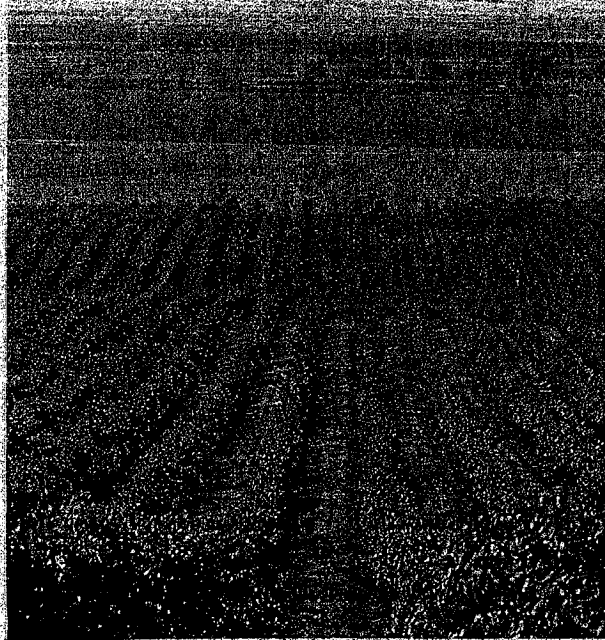
**INTERVIEWS
Gina Gallo
Jerry Lehr**



Touring & Tasting in Washington



• Featured This Issue ○ Cities
 • Previously Featured • Lodging • Towns



Located on approximately the same latitude (48°N) as some of the great French wine regions of Bordeaux and Burgundy, Washington wine regions include five federally recognized viticultural appellations. A variety of climates and soils combine with the long summer sunlight hours of northern latitudes to create prime growing conditions. Washington grapes ripen with about two more hours of summer sunlight each day than California grapes. Gradually cooling autumn temperatures throughout Washington help wine grapes reach full maturity while maintaining desirable acid levels.

Four Washington wine regions—Yakima Valley, Walla Walla Valley, Columbia Valley, and the new Red Mountain wine region—produce 99% of the state's wine grapes. There are currently over 200 wineries in Washington wine country, with 97,600 tons of grapes harvested each year—more than any other state in the U.S. except California. The top three varieties produced are Cabernet Sauvignon, Merlot, and Chardonnay. Washington State is quickly becoming as well known for its award-winning wines as it is for its apples, cherries, and pears.

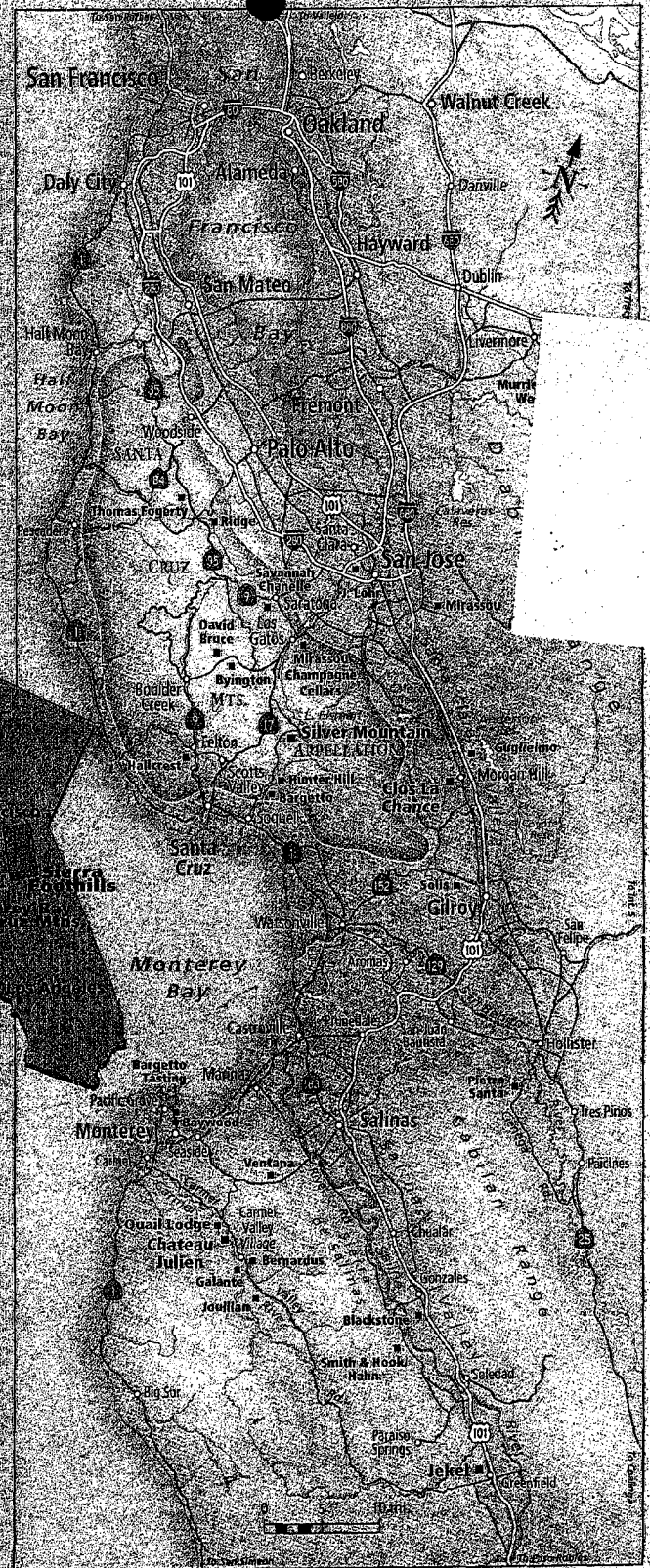
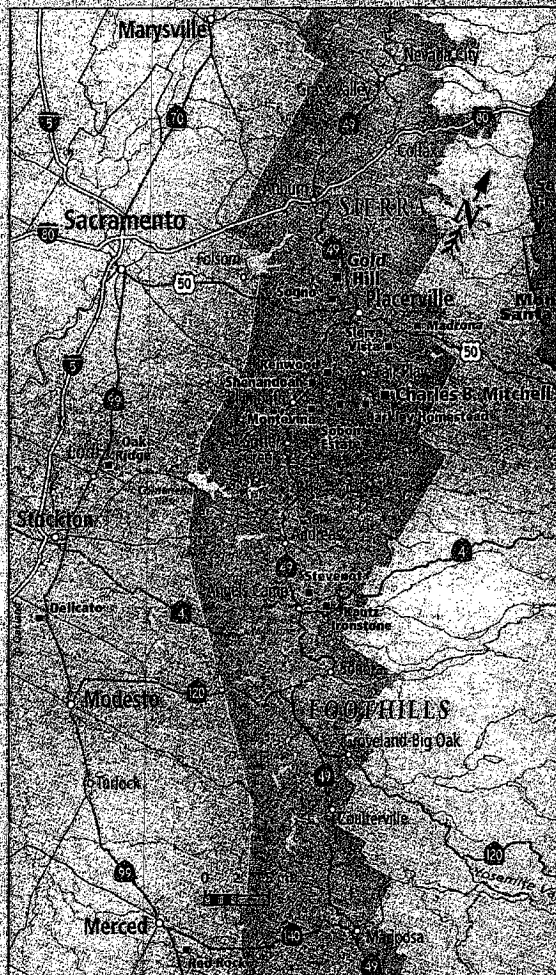
For more information, visit www.washingtonwine.org

Touring & Tasting Monterey County, Santa Cruz Mts., & Sierra Foothills

The 50-plus wineries that make up the Sierra Foothills wine region are situated in seven counties, spanning nearly 300 miles. Highway 49 links the wineries from north to south.

The Santa Cruz Mountains were first recognized as a premium winegrowing region at the turn of the century when its wines won acclaim in European competitions. Today over 40 wineries specialize in handcrafted wines.

Monterey County encompasses eight appellations with more than 40 wineries and vineyards. Most of the wineries and tasting rooms are clustered in three areas: the City of Monterey, Carmel Valley, and the Salinas Valley.



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■ Previously Featured

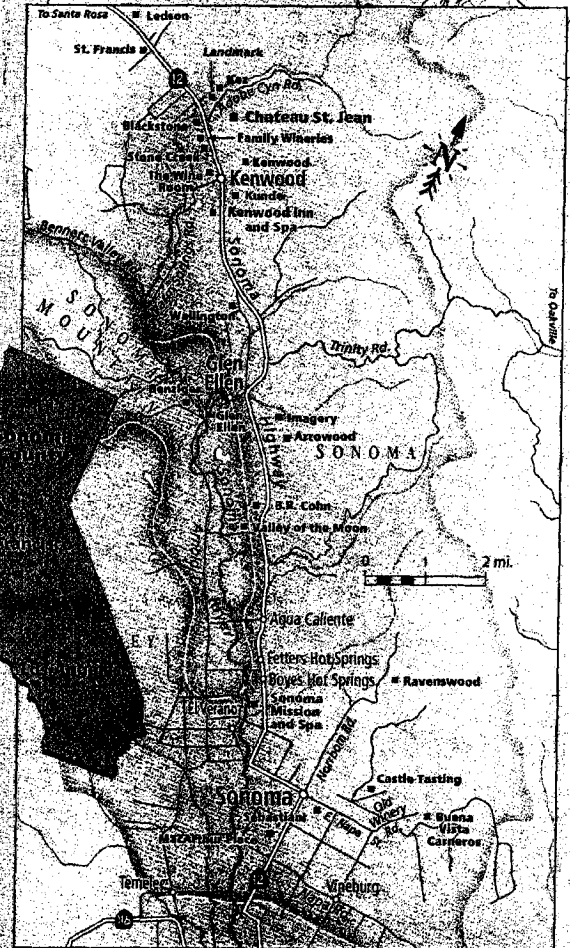
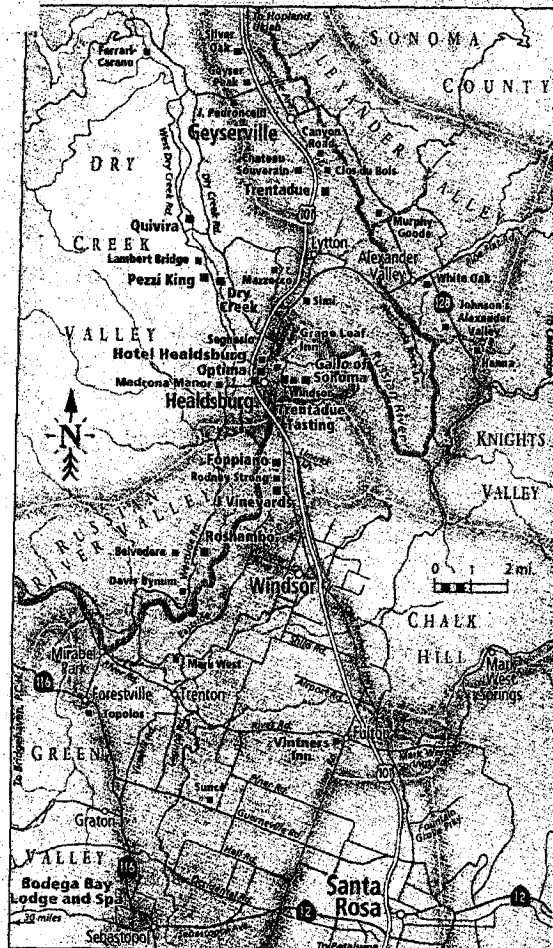
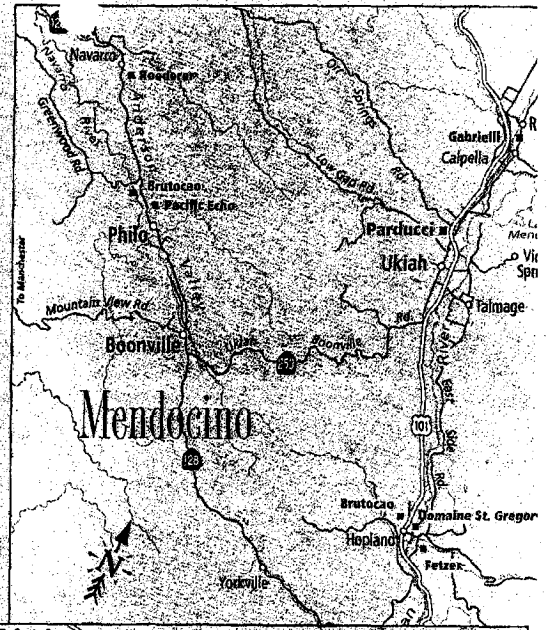
○ Cities
● Towns

Touring & Tasting

Touring & Tasting in Sonoma County and Mendocino

Low key and unassuming, Sonoma County is home to some of California's best wine grapes. The picturesque countryside is also dotted with chicken and cattle ranches, and peach, walnut, apple, and plum orchards.

Mendocino County is the northern frontier of California's famous North Coast wine region. This is a rugged, mountainous, heavily forested region. Riversides and ridgetops, often in isolated locations, provide Mendocino's vineyard sites. These vineyards and wineries produce distinctive grapes and wine filled with a rare sense of place.



Northern Sonoma

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■ Previously Featured ■ Lodging ○ Towns

Southern Sonoma

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Page 1 of 2



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Typed Drawing

Word Mark ZONE
Goods and Services IC 033. US 047 049. G & S: vodka-based distilled spirits with added natural fruit flavors. FIRST USE: 19950600. FIRST USE IN COMMERCE: 19970400
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74720403
Filing Date August 8, 1995
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 15, 1997
Registration Number 2186191
Registration Date September 1, 1998
Owner (REGISTRANT) R & A IMPORTS, INC. CORPORATION CALIFORNIA 15332 Antioch St. Pacific Palisades CALIFORNIA 90272
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Page 1 of 2



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Typed Drawing

Word Mark	ZONE
Goods and Services	IC 028. US 022 023 038 050. G & S: BOWLING BALLS. FIRST USE: 19980804. FIRST USE IN COMMERCE: 19980804
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75658249
Filing Date	March 11, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 7, 1999
Registration Number	2324221
Registration Date	February 29, 2000
Owner	(REGISTRANT) Brunswick Bowling & Billiards Corporation CORPORATION DELAWARE 525 West Laketon Avenue Post Office Box 329 Muskegon MICHIGAN 494430329
Attorney of Record	Richard C. Cooper
Type of Mark Register	TRADEMARK PRINCIPAL

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Page 2 of 2

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Page 1 of 2



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Word Mark ZONE

Goods and Services IC 028. US 022 023 038 050. G & S: BOWLING BALLS. FIRST USE: 20001200.
FIRST USE IN COMMERCE: 20001200

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 261113 261121 261704

Serial Number 76161143

Filing Date November 7, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition August 14, 2001

Registration Number 2583643

Registration Date June 18, 2002

Owner (REGISTRANT) Brunswick Bowling & Billiards Corporation CORPORATION

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Page 2 of 2

DELAWARE 525 West Laketon Avenue P.O. Box 329 Muskegon MICHIGAN
494430329

**Attorney of
Record** Carl S Clark
Type of Mark TRADEMARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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Page 1 of 2



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[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

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Word Mark	ORCHARD
Goods and Services	IC 031. US 046. G & S: Fresh Citrus Fruits. FIRST USE: 19040000. FIRST USE IN COMMERCE: 19040000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71436478
Filing Date	September 28, 1940
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0389985
Registration Date	September 2, 1941
Owner	(REGISTRANT) NATIONAL ORANGE COMPANY CORPORATION CALIFORNIA RIVERSIDE CALIFORNIA (LAST LISTED OWNER) NATIONAL ORANGE PACKING COMPANY CORPORATION BY ASSIGNMENT CALIFORNIA 2601 THIRD STREET RIVERSIDE CALIFORNIA 925020226
Assignment Recorded Attorney of	ASSIGNMENT RECORDED

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Page 2 of 2

Record THOMAS M. MOORE
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 12C. SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010518.
Renewal 3RD RENEWAL 20010518
Live/Dead Indicator LIVE

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[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



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Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
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Typed Drawing

Word Mark	COUNTRYSIDE
Goods and Services	IC 029. US 046. G & S: FRESH DAIRY PRODUCTS, EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT. FIRST USE: 19691231. FIRST USE IN COMMERCE: 19691231
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73563781
Filing Date	October 18, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 22, 1986
Registration Number	1413524
Registration Date	October 14, 1986
Owner	(REGISTRANT) PACKET DAIRY, INCORPORATED CORPORATION MISSOURI 610 EAST STATE STREET O'FALLON ILLINOIS 62269 (LAST LISTED OWNER) LAND-O-SUN DAIRIES, INC. CORPORATION ASSIGNEE OF DELAWARE
Assignment Recorded	ASSIGNMENT RECORDED

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Page 2 of 2

Attorney of Record JEROME A. GROSS
Prior Registrations 1346502
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST
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Page 1 of 2

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to record:

Record 23 out of 44

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Word Mark	COUNTRYSIDE
Goods and Services	IC 032. US 045. G & S: FRUIT JUICE DRINKS CONTAINING WATER. FIRST USE: 19631231. FIRST USE IN COMMERCE: 19631231
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73587899
Filing Date	March 14, 1986
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 23, 1987
Registration Number	1457674
Registration Date	September 15, 1987
Owner	(REGISTRANT) PACKET DAIRY, INCORPORATED CORPORATION MISSOURI 610 EAST STATE STREET O'FALLON ILLINOIS 62269 (LAST LISTED OWNER) LAND-O-SUN DAIRIES, INC. CORPORATION ASSIGNEE OF DELAWARE
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

TESS - Document Display

Page 2 of 2

Record JEROME A. GROSS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15: SECT 8 (6-YR).
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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
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Page 1 of 2



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Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

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PTO HOME

TRADEMARK

TESS HOME

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OR



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Record 12 out of 44

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Word Mark

COUNTRYSIDE

Goods and
Services

IC 029. US 046. G & S: fresh dairy products, excluding ice cream, ice milk and frozen yogurt. FIRST USE: 19850500. FIRST USE IN COMMERCE: 19850500

IC 032. US 045. G & S: fruit juice drinks containing water. FIRST USE: 19850500. FIRST USE IN COMMERCE: 19850500

Mark Drawing
Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search
Code

050125 060903 070304

Serial Number

74484981

Filing Date

January 31, 1994

Current Filing
Basis

1A

Original Filing
Basis

1A

Published for
Opposition

November 8, 1994

Registration

1876773

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Page 2 of 2

Number**Registration
Date**

January 31, 1995

Owner(REGISTRANT) LAND-O-SUN DAIRIES, INC. CORPORATION DELAWARE
2900 BRISTOL HIGHWAY P.O. BOX O, CRS JOHNSON CITY TENNESSEE
376023440(LAST LISTED OWNER) LAND-O-SUN DAIRIES, L.L.C. LIMITED
LIABILITY COMPANY BY ASSIGNMENT DELAWARE 2900 BRISTOL
HIGHWAY JOHNSON CITY TENNESSEE 37601**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

Bingham B. Leverich

**Prior
Registrations**

1413524;1457674

**Description of
Mark**The lining shown in the drawing is a feature of the mark and is not intended to
represent color in the mark.**Type of Mark**

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Docs	TOP	HELP	PREVIOUS
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UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

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Typed Drawing

Word Mark	FARMS
Goods and Services	IC 035. US 101. G & S: Agricultural Publication Audience Research. FIRST USE: 19820501. FIRST USE IN COMMERCE: 19830715
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73453168
Filing Date	November 17, 1983
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 12, 1985
Registration Number	1332498
Registration Date	April 23, 1985
Owner	(REGISTRANT) Starch/INRA/Hooper, Inc. CORPORATION NEW YORK 566 E. Boston Post Rd. Mamaroneck NEW YORK 10543
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Allen J. Baden
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).

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Page 2 of 2

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[FREE FORM](#)

[BROWSE DATA](#)

[TOP](#)

[HELP](#)

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#) [Index](#) [Search](#) [System Alerts](#) [eBusiness Center](#) [News & Notices](#) [Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DOC](#) [BOTTOM](#) [HELP](#) [PREV LIST](#)
[CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

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 List At: OR to record: Record 8 out of 12
Check Status
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Word Mark	FIELD
Goods and Services	IC 029, US 046, G & S: FRESH AND PROCESSED MEATS, CHEESE, LARD AND POULTRY, FIRST USE: 19540101, FIRST USE IN COMMERCE: 19710315
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	071109
Serial Number	73705555
Filing Date	January 14, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 13, 1988
Registration Number	1515604
Registration Date	December 6, 1988

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=tgula.12.8>

11/26/03

TESS - Document Display

Page 2 of 2

Owner (REGISTRANT) FIELD PACKING COMPANY CORPORATION KENTUCKY
P.O. BOX 766 OWENSBORO KENTUCKY 42302

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record WILLIAM R. DEXTER

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Doc	TOP	HELP	Print List
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER Dict	BOTTOM	HELP	PREV LIST
CURR LIST	FEAT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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List At: OR to record: Record 7 out of 12

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Word Mark	FIELD
Goods and Services	IC 029. US 046. G & S: FRESH AND PROCESSED MEATS, CHEESE, LARD AND POULTRY. FIRST USE: 19831017. FIRST USE IN COMMERCE: 19831017
	(CANCELLED) IC 030. US 046. G & S: [CORN DOGS]. FIRST USE: 19831017. FIRST USE IN COMMERCE: 19831017
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	261120 261121
Serial Number	73705556
Filing Date	January 14, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 27, 1988

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=tgula.12.7>

11/26/03

TESS - Document Display

Page 2 of 2

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1517319
Registration Date December 20, 1988
Owner (REGISTRANT) FIELD PACKING COMPANY CORPORATION KENTUCKY
P.O. BOX 766 OWENSBORO KENTUCKY 42302
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record WILLIAM R. DEXTER
Description of Mark THE MARK IS LINED FOR THE COLORS GREEN AND YELLOW.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR).
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	CONTACT US
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

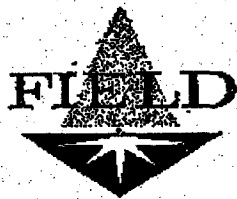
PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	BOTTOM	HELP	PREV LOG
CURR LIST	REPT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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List At: OR to record: Record 11 out of 12

Check Status

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Word Mark	FIELD
Goods and Services	IC 031, US 001, G & S: Seeds and Nursery Stock, Including Flower and Vegetable Seeds, Shrubs, Trees, Plants, Vines, Bulbs, Roots, Tubers, Scions, and Corms. FIRST USE: 19620315. FIRST USE IN COMMERCE: 19620315
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	050101 260521
Serial Number	72143358
Filing Date	April 30, 1962
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0754816
Registration Date	August 20, 1963
Owner	(REGISTRANT) Henry Field Seed and Nursery Company CORPORATION IOWA

TESS - Document Display

Page 2 of 2

407 SYCAMORE ST. Shenandoah IOWA

**Assignment
Recorded** ASSIGNMENT RECORDED

**Prior
Registrations** 0533642

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Renewal 1ST RENEWAL 19831129

**Live/Dead
Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Doc	TOP	HELP	CURREN LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

[PTO Home](#)[TRADEMARK](#)[TESS Home](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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List At: OR to record: Record 3 out of 11[Check Status](#)*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

Place

Word Mark PLACE

Goods and Services IC 025. US 022 039. G & S: children's pants, trousers, jeans, slacks, jumpsuits, shorts, shirts, sweaters, sweatshirts, sweat shorts, tights, vests, jackets, blazers, T-shirts, overalls, swimsuits, hats, socks, underwear, scarves, gloves and footwear. FIRST USE: 19970800. FIRST USE IN COMMERCE: 19970800

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 75297926

Filing Date May 27, 1997

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition January 13, 1998

Registration Number 2202251

Registration Date November 3, 1998

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=29n91q.2.3>

11/24/03

TESS - Document Display

Page 2 of 2

Owner (REGISTRANT) Children's Place Retail Stores, Inc., The CORPORATION
DELAWARE One Dodge Drive West Caldwell NEW JERSEY 07006

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record BETH R STEARNS

Prior Registrations 1020741;1020742;1137068;1642868;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	FIRST DOC
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[Browse Data](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[List At:](#) OR [List At:](#) to record: Record 11 out of 11[Check Status](#)

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Typed Drawing

Word Mark PLACE
Goods and Services IC 003. US 051. G & S: COLOGNE. FIRST USE: 19451204. FIRST USE IN COMMERCE: 19451204
Mark Drawing Code (1) TYPED DRAWING
Serial Number 71494560
Filing Date January 10, 1946
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 12, 1946
Registration Number 0427455
Registration Date February 11, 1947
Owner (REGISTRANT) IRRESISTIBLE, INC. CORPORATION NEW JERSEY 1041 PROSPECT AVE. NEW YORK NEW YORK

(LAST LISTED OWNER) NESTLE-LEMUR COMPANY CORPORATION
ASSIGNEE OF DELAWARE 114 FIFTH AVENUE NEW YORK NEW YORK
10011

Assignment Recorded ASSIGNMENT RECORDED

TESS - Document Display

Page 2 of 2

Attorney of Record BLUM KAPLAN
Type of Mark TRADEMARK
Register PRINCIPAL
Renewal 2ND RENEWAL 19880203
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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List At: OR to record: **Record 4 out of 15****Check Status**

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**Word Mark** AREA**Goods and Services** IC 024. US 042 050. G & S: HOME TEXTILES, NAMELY, BEDDING, NAMELY PILLOW CASES, PILLOWS SHAMS, SHEETS, COMFORTERS, SHAMS AND DUVETS; TABLE LINENS AND CURTAINS. FIRST USE: 19900905. FIRST USE IN COMMERCE: 19900905**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 260102 260115**Serial Number** 75624196**Filing Date** January 20, 1999**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** July 2, 2002**Registration Number** 2622618

TESS - Document Display

Page 2 of 2

Registration Date September 24, 2002
Owner (REGISTRANT) Area, Inc. CORPORATION NEW YORK 180 Varick Street New York NEW YORK 10014
Attorney of Record Daniel Ebenstein
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PRINT LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Data	BOTTOM	HELP	FILE LIST
CURR LIST	FILE LIST	FIRST DOC	FILE DOC	NEXT DOC	LAST DOC				

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List At: OR to record: **Record 1 out of 2**

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Typed Drawing

Word Mark	LOCATION
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer program, for use as a database providing referencing insurance information regarding specific addresses. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010300
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76222814
Filing Date	March 9, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 6, 2002
Registration Number	2641969
Registration Date	October 29, 2002
Owner	(REGISTRANT) ISO Properties, Inc. CORPORATION DELAWARE 222 Delaware Avenue Suite 1461 Wilmington DELAWARE 19801
Attorney of Record	Inga-Kerstin Wilder
Type of Mark	TRADEMARK
Register	PRINCIPAL

TESS - Document Display

Page 2 of 2

Live/Dead
Indicator

LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Doc	TOP	HELP	Prev List
CURR LIST	NEXT LIST	First Doc	Prev Doc	NEXT Doc	LAST Doc				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO Home	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Data	BOTTOM	HELP	PREVIOUS
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Set List At: OR **Jump** to record: **Record 2 out of 4**

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Typed Drawing

Word Mark	LOCATIONS
Goods and Services	IC 016. US 038. G & S: magazines for event and party planning. FIRST USE: 19930415. FIRST USE IN COMMERCE: 19930415
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74184568
Filing Date	July 12, 1991
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 12, 1993
Registration Number	1841311
Registration Date	June 21, 1994
Owner	(REGISTRANT) Scher, Joel INDIVIDUAL UNITED STATES 124 East 79th Street New York NEW YORK 10021
Attorney of Record	Seth Natter
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead	LIVE

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11/24/03

TESS - Document Display

Page 1 of 2




UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)
[Index](#)
[Search](#)
[System Alerts](#)
[eBusiness Center](#)
[News & Notices](#)
[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)
[TRADEMARK](#)
[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browse Data](#)
[BOTTOM](#)
[HELP](#)
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Record 1 out of 1

Check Status

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Word Mark	SOURCE
Goods and Services	IC 030. US 046. G & S: Tea based bottled beverages. FIRST USE: 20001101. FIRST USE IN COMMERCE: 20001102
	IC 032. US 045 046 048. G & S: Fruit juice beverages in bottles. FIRST USE: 20001101. FIRST USE IN COMMERCE: 20001102
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76205249
Filing Date	February 6, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 12, 2002
Registration Number	2668049
Registration Date	December 31, 2002
Owner	(REGISTRANT) P.R. Performance, Inc. CORPORATION FLORIDA 705 N. Garfield Ave. Deland FLORIDA 32724

TESS - Document Display

Page 2 of 2

Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DATA	TOP	HELP
--------------------------	---------------------------	---------------------------	--------------------------	----------------------------	---------------------------	-----------------------------	---------------------	----------------------

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)***TESS was last updated on Sat Nov 22 04:23:39 EST 2003*[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[LOG OUT](#)

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[GO](#)List At: OR [GO](#)to record: **Record 14 out of 55**[Check Status](#)*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark**

SOURCE

Goods and Services

IC 028. US 022 023 038 050. G & S: Toys, namely rubber and plastic action balls and squeeze balls, dolls and foam squeeze toys. FIRST USE: 19961224. FIRST USE IN COMMERCE: 19970100

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75628651

Filing Date

January 27, 1999

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

August 1, 2000

Registration Number

2480455

Registration Date

August 21, 2001

Owner(REGISTRANT) FOR-WELLA ENTERPRISE CO., LTD. CORPORATION
TAIWAN No. 29, Sec. 3, Hsinsheng N. Rd. Taipei TAIWAN**Assignment Recorded**

ASSIGNMENT RECORDED

Attorney of Record

THOMAS M CHAMPAGNE

TESS - Document Display

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	INDEX LIST
CURR LIST	NEW LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

HOME | INDEX | SEARCH | SYSTEM ALERTS | BUSINESS CENTER | NEWS&NOTICES |
CONTACT US | PRIVACY STATEMENT

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)***TESS was last updated on Sat Nov 22 04:23:39 EST 2003*[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[Browse Data](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

Please logout when you are done to release system resources allocated for you.

 List At: OR to record: **Record 15 out of 55****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** SOURCE**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: non-medicated hair care preparations; non-medicated skin care preparations, namely, skin cleansers, creams, moisturizers, soaps, massage oils, gels and body wash. FIRST USE: 19950601. FIRST USE IN COMMERCE: 19950601**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 75438640**Filing Date** February 23, 1998**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** October 20, 1998**Registration Number** 2217426**Registration Date** January 12, 1999**Owner** (REGISTRANT) Rainforest Company, L.L.C., The LIMITED LIABILITY COMPANY MISSOURI 701 North 15th Street 5th Floor St. Louis MISSOURI 63101**Attorney of Record** JOHN B GREENBERG**Type of Mark** TRADEMARK

TESS - Document Display

Page 2 of 2

Register PRINCIPAL
Live/Dead
Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PRINT LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#) [Index](#) [Search](#) [System Alerts](#) [eBusiness Center](#) [News & Notices](#) [Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Doc	BOTTOM	HELP	Prev List
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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List At: OR to record: **Record 17 out of 55**

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



SOURCE

Word Mark	SOURCE
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: drinking flasks. FIRST USE: 19990728. FIRST USE IN COMMERCE: 19990728
	IC 025. US 022 039. G & S: money belts, shoes, slippers and carrying vests, namely, vests with pockets and other compartments, specifically designed to transport personal items. FIRST USE: 19990728. FIRST USE IN COMMERCE: 19990728
	IC 018. US 001 002 003 022 041. G & S: trunks, backpacks and traveling bags. FIRST USE: 19990728. FIRST USE IN COMMERCE: 19990728
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260102 260117 260118 260121 260520 260521 260901
Serial Number	75164353
Filing Date	September 11, 1996
Current Filing Basis	1A
Original Filing Basis	1B

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=grk2e8.7.17>

11/24/03

TESS - Document Display

Page 2 of 2

Published for Opposition October 12, 1999
Registration Number 2398203
Registration Date October 24, 2000
Owner (REGISTRANT) SOURCE VAGABOND SYSTEMS LTD. CORPORATION
ISRAEL P.O. BOX 32 Tirat Hacarmel, 30250 ISRAEL
Attorney of Record BENJAMIN J HAUPTMAN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	TESS V.1.57
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

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Typed Drawing

Word Mark

SOURCE

Goods and Services

IC 009. US 021 023 026 036 038. G & S: loudspeakers. FIRST USE: 19810000.
FIRST USE IN COMMERCE: 19810000

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75079431

Filing Date

March 27, 1996

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

September 16, 1997

Registration Number

2118920

Registration Date

December 9, 1997

Owner

(REGISTRANT) Pyle Industries, Incorporated CORPORATION INDIANA 8500
Balboa Boulevard Northridge CALIFORNIA 91329

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record

DALE G MOHLENHOFF

Type of Mark

TRADEMARK

Register

PRINCIPAL

TESS - Document Display

Page 2 of 2

**Live/Dead
Indicator**

LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	Privacy Statement
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)**

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Data	BOTTOM	HELP	PREV LIST
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List At: OR to record: **Record 48 out of 55****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark SOURCE

Goods and Services IC 005. US 018. G & S: DIETARY FOOD SUPPLEMENT FOR ANIMAL FEED, COMPOSED OF VITAMINS, MINERALS TRACE ELEMENTS AND OTHER MICRONUTRIENTS, NOT INTENDED FOR HUMAN CONSUMPTION. FIRST USE: 19750725. FIRST USE IN COMMERCE: 19750827

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73294967

Filing Date January 30, 1981

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition August 9, 1983

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1255764

Registration Date November 1, 1983

Owner (REGISTRANT) Source, Inc. UNKNOWN North Guilford CONNECTICUT

Attorney of Record ROBERT H. WARE

TESS - Document Display

Page 2 of 2

Prior Registrations 1092632
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15, SECT 8 (6-YR).
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[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME

TRADEMARK

TESS HOME

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PREV LIST

FIRST DOC

PREV DOC

NEXT DOC

LAST DOC



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SOURCE

Word Mark SOURCE

Goods and Services IC 005. US 018. G & S: DIETARY SUPPLEMENT FOR HORSEFEED COMPOSED OF VITAMINS, MINERALS, TRACE ELEMENTS, AND VARIOUS OTHERS MICRONUTRIENTS. FIRST USE: 19770407. FIRST USE IN COMMERCE: 19770407

Mark (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Drawing Code

Design Search Code 031907 261121

Serial Number 73122427

Filing Date April 12, 1977

Current Filing Basis 1A

Original Filing Basis 1A

Registration Number 1092632

Registration Date June 6, 1978

TESS - Document Display

Page 2 of 2

Owner (REGISTRANT) SOURCE, INC. CORPORATION CONNECTICUT 101 FOWLER ROAD NORTH BRANFORD CONNECTICUT

Attorney of Record ROBERT H WARE

Description of Mark THE DOTTED BACKGROUND IS A DESIGN FEATURE OF THE MARK, AND DOES NOT INDICATE SHADING OR COLOR.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15.

Renewal 1ST RENEWAL 19980706

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME

TRADEMARK

TESS HOME

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STRUCTURED

FREE FORM

BROWSE DOC

BOTTOM

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NEXT DOC

LAST DOC



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List At:

OR



to record:

Record 10 out of 55

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≡SOURCE

Word Mark

SOURCE

Goods and
Services

IC 037. US 100 103 106. G & S: Installation of heating, ventilating, air conditioning, refrigeration and electrical energy controllers comprising energy efficient systems for industry; and installation and repair of refrigeration systems. FIRST USE: 20011019. FIRST USE IN COMMERCE: 20011019

IC 042. US 100 101. G & S: Design for others and conducting feasibility studies and technical consultations, both in the field of energy efficient systems for industry comprising heating, ventilating, air conditioning, refrigeration and electrical energy controllers; and design for others in the field of refrigeration systems. FIRST USE: 20011019. FIRST USE IN COMMERCE: 20011019

Mark

Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search
Code

261710

Serial Number

76321888

Filing Date

October 4, 2001

Current Filing

1A

Basis

Original

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Filing Basis 1B
Published for Opposition September 3, 2002
Registration Number 2738375
Registration Date July 15, 2003
Owner (REGISTRANT) Source Refrigeration & HVAC, Inc. CORPORATION
CALIFORNIA 800 E. Orangethorpe Ave. Anaheim CALIFORNIA 928011123
Attorney of Record BERNARD R GANS
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Typed Drawing

Word Mark	ORIGIN
Goods and Services	IC 011. US 013 021 023 031 034. G & S: ACRYLIC BATHTUBS FEATURING WOODEN BASES. FIRST USE: 20020301. FIRST USE IN COMMERCE: 20020301
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78127478
Filing Date	May 9, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 12, 2003
Registration Number	2779493
Registration Date	November 4, 2003
Owner	(REGISTRANT) MAAX INC. CORPORATION CANADA 640, route Cameron Sainte-Marie, Quebec CANADA G6E 1B2
Attorney of Record	Jess M. Collen
Type of Mark Register	TRADEMARK PRINCIPAL

TESS - Document Display

Page 2 of 2

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Indicator**

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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PARENT LIST
CURR LIST	NEW LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

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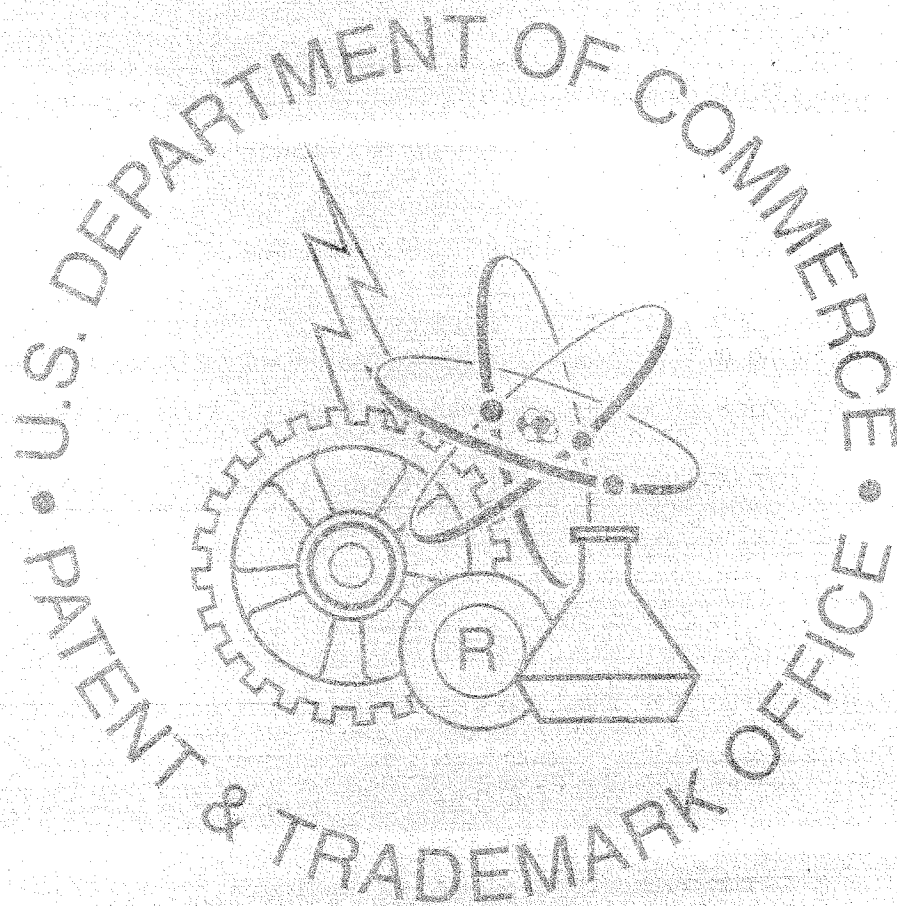
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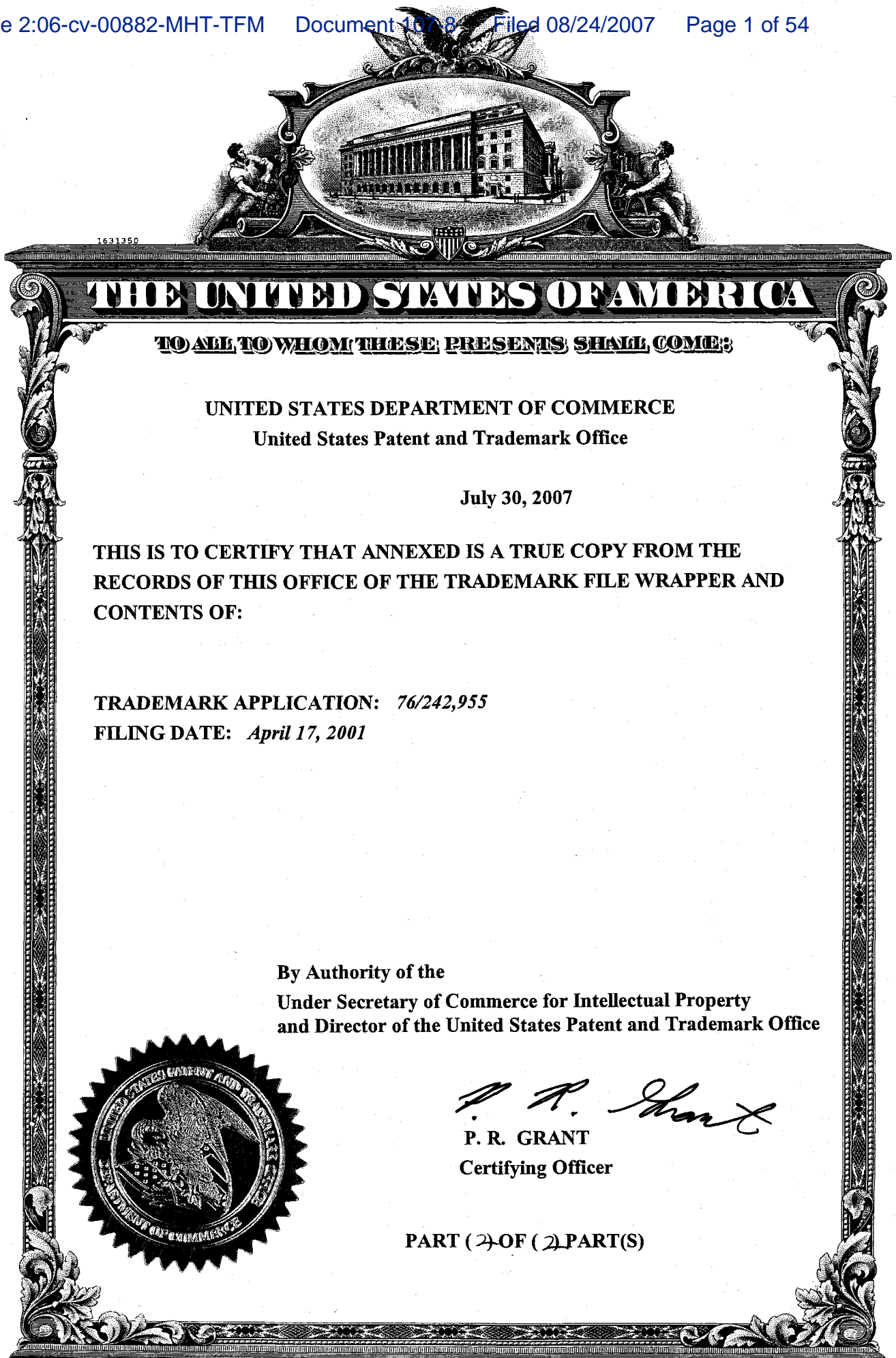
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List At: OR to record: Record 1 out of 15**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	SITE
Goods and Services	IC 011. US 013 021 023 031 034. G & S: CAST ALUMINUM CEILING AND WALL-MOUNTED COMPACT FLUORESCENT LUMINAIRES AND PARTS THEREFORE, NAMELY, BASES, SOCKETS, SOCKET HOLDERS, REFLECTORS AND COVERS USED INDOORS SOLD EXCLUSIVELY THROUGH MANUFACTURES REPRESENTATIVES AND ADVERTISED EXCLUSIVELY IN TRADE MAGAZINES ADDRESSED TO LIGHTING CONSULTANTS
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76341483
Filing Date	November 19, 2001
Current Filing Basis	44E
Original Filing Basis	1B;44E
Published for Opposition	December 3, 2002
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2690323
Registration	February 25, 2003





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United States Patent and Trademark Office

July 30, 2007

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TRADEMARK APPLICATION: 76/242,955

FILING DATE: April 17, 2001

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



P. R. Grant

**P. R. GRANT
Certifying Officer**

PART (2) OF (2) PART(S)

TESS - Document Display

Page 2 of 2

Date

Owner

(REGISTRANT) ERCO LEUCHTEN GMBH CORPORATION FED REP
GERMANY Brockhauser Weg 80-82 58507 Ludenscheid FED REP GERMANY

**Attorney of
Record**

Herbert Dubno

Type of Mark TRADEMARK

Register PRINCIPAL

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[TRADEMARK](#)

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

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[TOP](#)

[HELP](#)

[PREV LIST](#)

[CURR LIST](#)

[NEXT LIST](#)

[FIRST DOC](#)

[PREV DOC](#)

[NEXT DOC](#)

[LAST DOC](#)

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

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OR

[to record:](#)

Record 6 out of 15

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Word Mark	SITE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: CHARGE COUPLED DEVICES. FIRST USE: 19930901. FIRST USE IN COMMERCE: 19930907
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75557036
Filing Date	September 23, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 1, 2000
Registration Number	2344716
Registration Date	April 25, 2000
Owner	(REGISTRANT) Scientific Imaging Technologies, Inc. CORPORATION DELAWARE 2nd Floor, 600 Perimeter Drive Lexington KENTUCKY 40517
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	James A. Mitchell
Type of Mark	TRADEMARK

TESS - Document Display

Page 2 of 2

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Indicator LIVE

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

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TESS was last updated on Sat Nov 22 04:23:39 EST 2003

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**Word Mark**

SITE

Goods and Services

IC 042. US 100. G & S: association services; namely, promoting the interests of incentive travel executives. FIRST USE: 19900427. FIRST USE IN COMMERCE: 19900427

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

010701

Serial Number

74139997

Filing Date

February 19, 1991

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

September 17, 1991

Registration Number

1667958

Registration Date December 10, 1991

TESS - Document Display

Page 2 of 2

Owner (REGISTRANT) SOCIETY OF INCENTIVE TRAVEL EXECUTIVES, INC.
CORPORATION NEW YORK 21 West 38th Street, 10th Floor New York NEW
YORK 10018

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** James F. Gossett

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020204.

Renewal 1ST RENEWAL 20020204

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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PRINT LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)***TESS was last updated on Sat Nov 22 04:23:39 EST 2003*[PTO Home](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[SIGNATURE](#)[FEE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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OR

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CITY

Word Mark

CITY

Goods and Services

IC 037. US 100 103 106. G & S: Installation, maintenance, and repair of residential, industrial, and commercial electrical wiring. FIRST USE: 19980101. FIRST USE IN COMMERCE: 19980101

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

76208605

Filing Date

February 12, 2001

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

July 2, 2002

Registration Number

2623771

Registration Date

September 24, 2002

Owner

(REGISTRANT) City Electric Company of Boulder, Inc. CORPORATION

TESS - Document Display

Page 2 of 2

COLORADO 5425 Airport Blvd., Suite 106 Boulder COLORADO 80301

Attorney of Record Donald T Goulart
Type of Mark SERVICE MARK
Register PRINCIPAL
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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browser Dict	TOP	HELP	Privacy List
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)***TESS was last updated on Sat Nov 22 04:23:39 EST 2003*[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEWUSER](#)[STRUCTURED](#)[FREE FORM](#)[Browse Doc](#)[BOTTOM](#)[HELP](#)[FIRST LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[Logout](#)

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CITIES

Goods and Services

IC 020. US 002 013 022 025 032 050. G & S: furniture, namely, chairs, multiple seat units, sofas, couches, and tables for lounge, waiting room and lobby areas. FIRST USE: 19970601. FIRST USE IN COMMERCE: 19970601

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75299084

Filing Date

May 28, 1997

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

March 17, 1998

Registration Number

2237584

Registration Date

April 6, 1999

Owner(REGISTRANT) Nemschoff Chairs, Inc. CORPORATION WISCONSIN 2218
Julson Court, P.O. Box 129 Sheboygan WISCONSIN 530820129**Attorney of Record**

RODNEY D DEKRUIF

Type of Mark

TRADEMARK

Register

PRINCIPAL

TESS - Document Disp

Page 2 of 2

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Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE LIST	TOP	HELP	PRINT LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
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TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Doc	BOTTOM	HELP	Prev List
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Typed Drawing

Word Mark	CITIES
Goods and Services	IC 025. US 039. G & S: Footwear. FIRST USE: 19810728. FIRST USE IN COMMERCE: 19810728
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73325599
Filing Date	August 27, 1981
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 22, 1982
Registration Number	1208597
Registration Date	September 14, 1982
Owner	(REGISTRANT) El Greco Leather Products Co., Inc. a.k.a. Candie's International CORPORATION NEW YORK 2 Harbor Park Dr. Port Washington NEW YORK 11050
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	BLUM KAPLAN
Type of Mark	TRADEMARK

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11/24/03

TESS - Document Display

Page 2 of 2

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	PREF FORM	BROWSE DOC	TOP	HELP	Prev List
Curr List	Next List	FIRST DOC	Prev Doc	Next Doc	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[LOG OFF](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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 List At: OR to record: Record 4 out of 13**Check Status**

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Typed Drawing**Word Mark** STATE**Goods and Services** IC 034. US 002 008 009 017. G & S: CIGARETTES; TOBACCO; TOBACCO PRODUCTS, NAMELY, CHEWING TOBACCO, SMOKING TOBACCO, TOBACCO PIPES; SMOKERS' ARTICLES, NAMELY, ASHTRAYS NOT OF PRECIOUS METAL, CIGARETTE CASES NOT OF PRECIOUS METAL, CIGARETTE PAPERS; CIGARETTE LIGHTERS NOT OF PRECIOUS METAL; MATCHES**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 75749884**Filing Date** July 14, 1999**Current Filing Basis** 44E**Original Filing Basis** 44E**Published for Opposition** June 26, 2001**Registration Number** 2489956**Registration Date** September 18, 2001**Owner** (REGISTRANT) Ardath Tobacco Company Limited CORPORATION ENGLAND
Globe House, 4 Temple Place London, WC2R 2PG ENGLAND**Attorney of** MAREN COBURN

TESS - Document Display

Page 2 of 2

Record

Prior Registrations 0041324;1028870
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	FIRST LIST
CURR LIST	REV LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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TESS - Document Display

Page 1 of 2

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List At: OR to record: **Record 2 out of 13****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	STATE
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Water heaters for domestic, commercial or industrial use. FIRST USE: 19571223. FIRST USE IN COMMERCE: 19571223
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76312214
Filing Date	September 14, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 24, 2002
Registration Number	2662408
Registration Date	December 17, 2002
Owner	(REGISTRANT) State Industries, Inc. CORPORATION TENNESSEE 500 Lindahl Parkway Ashland City TENNESSEE 37015
Attorney of Record	DAVID R PRICE
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[Browse List](#)[BOTTOM](#)[HELP](#)[PRINT LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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List At: to record:

Record 1 out of 7

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Typed Drawing

Word Mark

STATES

Goods and Services

IC 009. US 021 023 026 036 038. G & S: electrical power distribution and substation equipment, namely electric junction boxes, panel boards, switchboards, bus ducts, wireways and control cabinets. FIRST USE: 19241201. FIRST USE IN COMMERCE: 19450301

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

74682957

Filing Date

June 1, 1995

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

January 9, 1996

Registration Number

1965774

Registration Date

April 2, 1996

Owner

(REGISTRANT) States Electric Manufacturing Co. CORPORATION MINNESOTA
650 Ottawa Avenue North Minneapolis MINNESOTA 55422

Attorney of Record

JOHN W PROVO

Prior

TESS - Document Display

Page 2 of 2

Registrations 1016751
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST
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[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#) [Index](#) [Search](#) [System Alerts](#) [eBusiness Center](#) [News & Notices](#) [Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

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Check Status

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Word Mark STATES

Goods and Services IC 009. US 021. G & S: ELECTRICAL POWER DISTRIBUTION AND SUBSTATION EQUIPMENT-NAMELY, ELECTRIC JUNCTION BOXES, PANEL BOARDS, SWITCHBOARDS, BUS DUCTS, WIREWAYS AND CONTROL CABINETS. FIRST USE: 19241201. FIRST USE IN COMMERCE: 19450301

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 261501

Serial Number 73019629

Filing Date April 24, 1974

Current Filing Basis 1A

Original Filing Basis 1A

Registration Number 1016751

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=tgula0.18.5>

11/26/03

TESS - Document Display

Page 2 of 2

Registration Date July 29, 1975

Owner (REGISTRANT) STATES ELECTRIC MANUFACTURING CO. CORPORATION
MINNESOTA 650 OTTAWA AVE. N. MINNEAPOLIS MINNESOTA 55422

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Renewal 1ST RENEWAL 19950810

Live/Dead Indicator LIVE

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[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)**

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

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[Jump](#)to record: **Record 1 out of 3****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark**

DERIVATION

Goods and Services

IC 028: US 022 023 038 050. G & S: Equipment sold as a unit for playing a word game. FIRST USE: 20021024. FIRST USE IN COMMERCE: 20021024

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

78197520

Filing Date

December 23, 2002

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

August 19, 2003

Registration Number

2782061

Registration Date

November 11, 2003

Owner

(REGISTRANT) Entspire, LLC LIMITED LIABILITY JOINT STOCK COMPANY WASHINGTON 4467 Forest Avenue Mercer Island WASHINGTON 98040

Attorney of Record

Melvyn J. Simburg

Type of Mark RegisterTRADEMARK
PRINCIPAL

TESS - Document Display

Page 2 of 2

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Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	Prev List
CURR LIST	NEXT LIST	FIRST DOC	Prev Doc	NEXT DOC	LAST DOC				

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TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

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OR

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Record 2 out of 23

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Word Mark	VALLEY
Goods and Services	IC 043. US 100 101. G & S: Contract food services. FIRST USE: 20000600. FIRST USE IN COMMERCE: 20000600
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	010501
Serial Number	76369984
Filing Date	February 12, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 3, 2002
Registration Number	2654343
Registration Date	November 26, 2002
Owner	(REGISTRANT) Valley Services, Inc. DBA "Valley" CORPORATION

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Page 2 of 2

MISSISSIPPI P.O. Box 5454 4400 Mangum Drive Jackson MISSISSIPPI
392885454

Attorney of Record Susan M. Rosenfeld
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)**

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

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[to record:](#)**Record 2 out of 3**[Check Status](#)*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark**

NEIGHBORHOOD

Goods and Services

IC 025. US 022 039. G & S: Active sportswear, namely, T-shirts, long pants, short pants, jeans, beanies, caps and caps. FIRST USE: 19930831. FIRST USE IN COMMERCE: 19930831

IC 028. US 022 023 038 050. G & S: Sporting goods, namely, skateboards and skateboard components, namely decks, trucks, wheels and wheel bearings. FIRST USE: 19930831. FIRST USE IN COMMERCE: 19930831

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75747809

Filing Date

July 12, 1999

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

July 25, 2000

Registration Number

2395400

Registration Date

October 17, 2000

Owner(REGISTRANT) International Sales, Inc. CORPORATION MISSOURI 3210
Production Avenue, suite B Oceanside CALIFORNIA 92054

TESS - Document Display

Page 2 of 2

Attorney of Record Kam W. Li
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Docs	TOP	HELP	Print List
CURR LIST	PREV LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[SIGNATURE](#)[FEE FORM](#)[Previous Doc](#)[BOTTOM](#)[HELP](#)[NEXT DOC](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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Typed Drawing

Word Mark	CONTINENT
Goods and Services	IC 007. US 013 019 021 023 031 034 035. G & S: printing presses for the use in the graphic arts industry
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75165530
Filing Date	September 11, 1996
Current Filing Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	May 27, 1997
Registration Number	2089295
Registration Date	August 19, 1997
Owner	(REGISTRANT) KOENIG & BAUER-ALBERT AKTIENGESELLSCHAFT CORPORATION FED REP GERMANY Friedrich-Koenig-Str. 4 97080 Wurzburg FED REP GERMANY
Attorney of Record	DOUGLAS R HANSCOM
Priority Date	March 13, 1996
Type of Mark	TRADEMARK

TESS - Document Display

Page 2 of 2

Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST
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[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

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TESS was last updated on Wed Nov 26 04:30:17 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	BOTTOM	HELP	TESS LIST
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Typed Drawing**Word Mark** VICINITY

Goods and Services IC 042. US 100 101. G & S: computer services, namely, providing an interactive computer database in the field of geographical and/or business information via on-line computer communications networks; database development services in the field of geographical information. FIRST USE: 19960600. FIRST USE IN COMMERCE: 19960600

Mark Drawing Code (1) TYPED DRAWING**Serial Number** 75198197**Filing Date** November 14, 1996**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for Opposition** September 2, 1997**Registration Number** 2159691**Registration Date** May 19, 1998**Owner** (REGISTRANT) Vicinity Corporation CORPORATION CALIFORNIA 1135a San Antonio Road Palo Alto CALIFORNIA 94303**Assignment Recorded** ASSIGNMENT RECORDED

TESS - Document Display

Page 2 of 2

Attorney of Record JOHN C NISHI
Type of Mark SERVICE MARK
Register PRINCIPAL
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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	QUERY LIST
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[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

PTO HOME

TRADEMARK

TESS HOME

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PREV DOC

NEXT DOC

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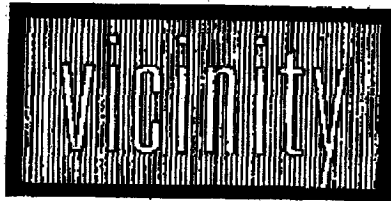


to record:

Record 1 out of 2

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Word Mark VICINITY

Goods and
Services

IC 035. US 100 101 102. G & S: Computer services, namely, providing an interactive computer database in the field of business location and product location via wire line and wireless telephone and via on-line computer communications network. FIRST USE: 19981001. FIRST USE IN COMMERCE: 19981001

IC 042. US 100 101. G & S: Computer services, namely, providing an interactive database in the field of geographical information via wire line and wireless telephone and via on-line computer communications network; database development services in the field of geographical and business information. FIRST USE: 19981001. FIRST USE IN COMMERCE: 19981001

Mark

Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search
Code

261112

Serial Number 76040271

Filing Date May 3, 2000

Current Filing 1A

Basis

Original

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11/26/03

TESS - Document Display

Page 2 of 2

Filing Basis 1A
Published for Opposition August 21, 2001
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 2506043
Registration Date November 13, 2001
Owner (REGISTRANT) Vicinity Corporation CORPORATION CALIFORNIA 1135A San Antonio Road Palo Alto CALIFORNIA 94303
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Eric D. Offner
Description of Mark The mark is lined for the color red.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TCP	HELP	About TESS
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
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TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

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OR

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Check Status*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** LOCALITY**Goods and Services** IC 042. US 100 101. G & S: Providing temporary use of online non-downloadable software for generating maps and directories for finding businesses. FIRST USE: 19991001. FIRST USE IN COMMERCE: 19991001

IC 035. US 100 101 102. G & S: Information services, namely providing a database of business directory and advertising information via a global computer network; providing business information such as product and service descriptions, maps, contact and URL information on a global computer information network and via print; promoting the goods and services of others through the distribution of coupons to use at participating businesses downloadable via a global computer information network and via print; preparing and placing advertisements for participating businesses on a global computer information network. FIRST USE: 19991001. FIRST USE IN COMMERCE: 19991001

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75908867

Filing Date

February 2, 2000

Current

1A

Filing Basis**Original**

1A

Filing Basis**Published for Opposition** May 28, 2002

TESS - Document Display

Page 2 of 2

Registration Number 2608550
Registration Date August 20, 2002
Owner (REGISTRANT) E2GROW, INC. CORPORATION DELAWARE 25350 ROCKSIDE ROAD CLEVELAND OHIO 44146
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record CATHRYN A. SUSSMAN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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CURR LIST	NEW LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DATA](#)[BOTTOM](#)[HELP](#)[FEEDBACK](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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Locality

Word Mark	LOCALITY
Goods and Services	IC 035. US 100 101 102. G & S: Information services, namely business directory and advertising information services provided online via a global computer network. FIRST USE: 20000101. FIRST USE IN COMMERCE: 20010622
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	070104 260321
Serial Number	75823704
Filing Date	October 15, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 26, 2000
Registration Number	2598574
Registration	July 23, 2002

TESS - Document Display

Page 2 of 2

Date**Owner**(REGISTRANT) e2grow, Inc. CORPORATION DELAWARE 25350 Rockside
Road Cleveland OHIO 44146**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

Cathryn A. Sussman

**Description of
Mark**

The lining on the mark on the drawing of record is there to indicate the color, green.

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[TOP](#)[HELP](#)[FEEDBACK](#)[CURR LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
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TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

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List At:

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Record 14 out of 22

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Typed Drawing**Word Mark** REALM**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: [perfume,] eau de perfume, body lotion, after shave cream. FIRST USE: 19950406. FIRST USE IN COMMERCE: 19950406**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 74802690**Filing Date** March 22, 1993**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for Opposition** September 7, 1993**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED**Registration Number** 1975469**Registration Date** May 21, 1996**Owner** (REGISTRANT) Erox Corporation CORPORATION CALIFORNIA 4034 CLIPPER COURT FREMONT CALIFORNIA 94538

(LAST LISTED OWNER) HUMAN PHEROMONE SCIENCES, INC.

TESS - Document Display

Page 2 of 2

CORPORATION BY CHANGE OF NAME CALIFORNIA 84 WEST SANTA
CLARA STREET SUITE 720 SAN JOSE CALIFORNIA 95113

**Assignment
Recorded** ASSIGNMENT RECORDED
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
**Live/Dead
Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	FEEDBACK
CURR LIST	PREV LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS- Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURES	FREE FORM	BROWSE DOC	BOTTOM	HELP	PREVIOUS
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List At: OR to record: Record 15 out of 22

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Typed Drawing

Word Mark REALM
Goods and Services IC 003. US 051 052. G & S: cologne and eau de toilette. FIRST USE: 19930913.
 FIRST USE IN COMMERCE: 19930913
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74801765
Filing Date March 22, 1993
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition September 7, 1993
Registration Number 1867411
Registration Date December 13, 1994
Owner (REGISTRANT) Erox Corporation CORPORATION CALIFORNIA 599 Lexington Avenue, Suite 2300 New York NEW YORK 10022

 (LAST LISTED OWNER) HUMAN PHEROMONE SCIENCES, INC
 CORPORATION BY CHANGE OF NAME CALIFORNIA 4034 CLIPPER
 COURT FREMONT CALIFORNIA 94538

Assignment

TESS - Document Display

Page 2 of 2

Recorded ASSIGNMENT RECORDED
Attorney of Record MARY A. MOY
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

PTG HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[INDEX LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[LOGOUT](#)

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[SEARCH](#)List At: OR [LIST](#)to record:

Record 2 out of 5

[Check Status](#)

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Typed Drawing

Word Mark QUARTERS

Goods and Services IC 025. US 022 039. G & S: women's, men's, and children's clothing, namely, sweaters, blouses, jerseys, shirts, T-shirts, hosiery, socks, belts, pants, slacks, jackets, coats, sweatshirts, sweatsuits, nightgowns, pajamas, bathrobes, underpants, undershirts, thermal underwear, gloves, and hats. FIRST USE: 19940315. FIRST USE IN COMMERCE: 19940315

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74434238

Filing Date September 10, 1993

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition October 24, 1995

Registration Number 2042168

Registration Date March 4, 1997

Owner (REGISTRANT) Ames Department Stores, Inc. CORPORATION DELAWARE 2418 Main Street Rocky Hill CONNECTICUT 06067

Assignment Recorded ASSIGNMENT RECORDED

TESS - Document Display

Page 2 of 2

Attorney of Record Deborah M. Lodge
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	PREC FORM	Browse Doc	TOP	HELP	Show List
CURR LIST	REPLY LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS- Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)**

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE LIST](#)[BOTTOM](#)[HELP](#)[NEW USER](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[FIRST DOC](#)[LAST DOC](#)

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 List At: OR to record: **Record 6 out of 6****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** COUNTY**Goods and Services** IC 012. US 023. G & S: TRACTORS FOR AGRICULTURAL AND FORESTRY PURPOSES AND FOR INDUSTRIAL USES, AND STRUCTURAL PARTS THEREFOR. FIRST USE: 19490000. FIRST USE IN COMMERCE: 19560400**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 72388768**Filing Date** April 9, 1971**Current Filing Basis** 1A**Original Filing Basis** 1A**Registration Number** 0960343**Registration Date** June 5, 1973**Owner** (REGISTRANT) COUNTY COMMERCIAL CARS LIMITED COMPANY GREAT BRITAIN 84-96 ALBERT ST. FLEET, ALDERSHOT ENGLAND(LAST LISTED OWNER) COUNTY TRACTORS LTD. CORPORATION
ASSIGNEE OF UNITED KINGDOM LUDLOW ROAD KNIGHTON, POWYS LD7
1LP UNITED KINGDOM**Assignment Recorded** ASSIGNMENT RECORDED

TESS - Document Display

Page 2 of 2

Attorney of Record BARTH X. DE ROSA
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19931013
Live/Dead Indicator LIVE

PTG HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Drawings	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[TESS HELP](#)[CURR LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)

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Record 2 out of 6

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Typed Drawing

Word Mark PROVINCE

Goods and Services IC 018. US 001 002 003 022 041. G & S: Luggage. FIRST USE: 20011201.
FIRST USE IN COMMERCE: 20011201

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78080735

Filing Date August 23, 2001

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 27, 2001

Registration Number 2725927

Registration Date June 10, 2003

Owner (REGISTRANT) Samsonite Corporation CORPORATION DELAWARE 11200
East 45th Avenue Denver COLORADO 80239

Attorney of Record Gregory W. O'Connor

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS- Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Nov 26 04:30:17 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browser Doc	BOTTOM	HELP	TESS LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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List At: OR to record: Record 3 out of 6

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Typed Drawing

Word Mark	PROVINCE
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Sleep products, namely, mattresses. FIRST USE: 19970700. FIRST USE IN COMMERCE: 19970700
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75367490
Filing Date	October 3, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 19, 1999
Registration Number	2238347
Registration Date	April 13, 1999
Owner	(REGISTRANT) Dynasty Consolidated Industries, Inc. CORPORATION TEXAS 4646 Harry Hines Blvd. Dallas TEXAS 752357704
Attorney of Record	EDWARD JORGENSON
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

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11/26/03

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Trademark Electronic Search System(Tess)**

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[ACTION](#)[HELP](#)[PRINT LIST](#)[CURR LIST](#)[PLAYLIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[Logout](#)

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[Print](#)List At: OR [Print](#)to record: **Record 6 out of 11**[Check Status](#)*(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark**

JARDIN

Translations

The English translation of "JARDIN'S" is "garden's".

Goods and Services

IC 032. US 045 046 048. G & S: fruit nectars and fruit juices. FIRST USE: 19960813. FIRST USE IN COMMERCE: 19960814

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

74380015

Filing Date

April 19, 1993

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

November 30, 1993

Registration Number

2051062

Registration Date

April 8, 1997

Owner

(REGISTRANT) Fonten Corp. CORPORATION CALIFORNIA 39839A Paseo Padre Parkway, Suite A Fremont CALIFORNIA 94538

Attorney of Record

Gregory N. Owen

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead

LIVE

TESS- Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO Home

TRADEMARK

TESS Home

NEW USER

STRUCTURED

FREE FORM

Browse Doc

Bottom

HELP

Party List

CURR LIST

NEXT LIST

FIRST DOC

PREV DOC

NEXT DOC

LAST DOC

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List At: OR to record: **Record 2 out of 11**

Check Status

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JARDIN

Word Mark	JARDIN
Translations	The English translation of "JARDIN" is "GARDEN".
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Garden furniture; cushions for garden furniture; cupboards
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260521 261121
Serial Number	75818715
Filing Date	October 8, 1999
Current Filing Basis	44E
Original Filing Basis	1B
Published for Opposition	May 14, 2002
Registration Number	2647776
Registration Date	November 12, 2002

<http://tess2.uspto.gov/bin/gate.exe?f=doc&state=grk2e8.36.2>

11/24/03

TESS - Document Display

Page 2 of 2

Owner (REGISTRANT) Jardin Netherlands B.V. CORPORATION NETHERLANDS
Ericssonstraat 17 5121 MK Rijen NETHERLANDS

Attorney of Record Beth M. Goldman

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	QUERY LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browser Help	ESITOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Back List At: OR **Back** to record: **Record 4 out of 11**

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Typed Drawing

Word Mark	JARDIN
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Garden furniture, cushions for garden furniture
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75818642
Filing Date	October 8, 1999
Current Filing Basis	44E
Original Filing Basis	44E
Published for Opposition	March 19, 2002
Registration Number	2577111
Registration Date	June 11, 2002
Owner	(REGISTRANT) Jardin Netherlands B.V. CORPORATION NETHERLANDS Ericssonstraat 17 5121 MK Rijen NETHERLANDS
Attorney of Record	Beth M. Goldman
Priority Date	August 29, 1994
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

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11/24/03

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[DOC LIST](#)[CURR LIST](#)[NEXT USE](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[Logout](#)

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Record 27 out of 30

[Check Status](#)

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La Vina

Word Mark LA VINA
Translations THE WORDS "LA VINA" ARE TRANSLATED AS "THE VINEYARD."
Goods and Services IC 030. US 046. G & S: WINE SAUCE FOR COOKING. FIRST USE: 19661115. FIRST USE IN COMMERCE: 19661123
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 72426746
Filing Date June 8, 1972
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0973518
Registration Date November 20, 1973
Owner

(REGISTRANT) GOYA FOODS, INC. CORPORATION NEW YORK 25 12TH ST. BROOKLYN NEW YORK 11215

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Page 2 of 2

(LAST LISTED OWNER) GOYA FOODS, INC. CORPORATION BY MERGER
WITH DELAWARE 100 SEAVIEW DRIVE SECAUCUS NEW JERSEY 07094

**Assignment
Recorded** ASSIGNMENT RECORDED
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19940112
**Live/Dead
Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	COPY LOG
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS[®] Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Thu Nov 20 04:23:12 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	BOTTOM	HELP	PREV LIST	CURR LIST
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Typed Drawing

Word Mark	REGIONS
Goods and Services	IC 036. US 102. G & S: banking services. FIRST USE: 19931200. FIRST USE IN COMMERCE: 19931200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74431003
Filing Date	August 30, 1993
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	June 21, 1994
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1881600
Registration Date	February 28, 1995
Owner	(REGISTRANT) REGIONS FINANCIAL CORPORATION CORPORATION DELAWARE 417 NORTH 20TH STREET BIRMINGHAM ALABAMA 35203
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Richard L. Kirkpatrick
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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11/20/03

TESS® Document Display

Page 2 of 2

Affidavit Text SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PARENT LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC						

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS® Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home	Index	Search	System Alerts	eBusiness Center	News & Notices	Contact Us
------	-------	--------	---------------	------------------	----------------	------------

Trademark Electronic Search System(Tess)

TESS was last updated on Thu Nov 20 04:23:12 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC						

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Regions

Word Mark	REGIONS
Goods and Services	IC 036. US 100 101 102. G & S: banking services. FIRST USE: 19931200. FIRST USE IN COMMERCE: 19931200
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	74433150
Filing Date	September 1, 1993
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 19, 1994
Registration Number	1914267
Registration Date	August 22, 1995
Owner	(REGISTRANT) REGIONS FINANCIAL CORPORATION CORPORATION DELAWARE 417 NORTH 20TH STREET BIRMINGHAM ALABAMA 35203
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	NANCY D. BOLYARD

TESS - Document Display

Page 2 of 2

Record

Description of Mark The drawing is lined for the colors green and gold, and color is claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC						

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

Trademark Electronic Search System(Tess)

TESS was last updated on Thu Nov 20 04:23:12 EST 2003

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DOC](#)[BOTTOM](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[Logout](#)

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Record 2 out of 4

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Typed Drawing

Word Mark

REGIONS

Goods and Services

IC 042. US 100 101. G & S: medical services, namely, health care services, hospital services, and in-patient, out-patient and surgery room care. FIRST USE: 19970915. FIRST USE IN COMMERCE: 19970915

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75283429

Filing Date

April 29, 1997

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

November 11, 1997

Registration Number

2175755

Registration Date

July 21, 1998

Owner

(REGISTRANT) HealthPartners, Inc. CORPORATION MINNESOTA 8100 34th Avenue South P.O. Box 1309 Minneapolis MINNESOTA 554401309

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record

LINDA M BYRNE

Type of Mark Register

SERVICE MARK
PRINCIPAL

TESS - Document Display

Page 2 of 2

**Live/Dead
Indicator**

LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	DRAWING TOOL	TOP	HELP	REV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC						

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)

TESS - Document Display

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Home

Index

Search

System
AlertseBusiness
CenterNews &
Notices

Contact Us

Trademark Electronic Search System(Tess)

TESS was last updated on Sat Nov 22 04:23:39 EST 2003

PTO HOME

TRADEMARK

TESS HOME

NEW USER

STRUCTURED

FREE FORM

BROWSE DOC

BOTTOM

HELP

PREV LIST

CURR LIST

NEXT LIST

FIRST DOC

PREV DOC

NEXT DOC

LAST DOC

Logout

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List At:

OR

to record:

Record 1 out of 6

Check Status

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REGION

Word Mark REGION

Goods and
Services

IC 025. US 022 039. G & S: clothing, namely, aprons, baseball caps, belts, bottoms, caftans, capes, caps, cardigans, chemises, coats, collars, corsets, coveralls, cover-ups, culottes, dresses, dressing gowns, dungarees, dusters, evening gowns, fur coats, fur jackets, gloves, gowns, halter tops, hats, head wear, hoods, jackets, jeans, jerseys, knit shirt, leather coats, leather jackets, lingerie, lounge wear, miniskirts, neck wear, negligees, night gowns, overalls, overcoats, pants, pantsuits, polo shirts, pullovers, sarongs, sashes, scarves, shawls, shirts, shorts, shoulder pads for clothing, skirts, slacks, slips, sport shirts, suit coats, suits, sweatshirts, sweaters, T-shirts, tank tops, neckties, topcoats, tops, trousers, tunics, turbans, turtleneck sweaters, turtlenecks, tuxedos, undergarments, V-neck sweaters, veils, vests, wedding gowns, wraps. FIRST USE: 20001205. FIRST USE IN COMMERCE: 20001205

Mark

Drawing
Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design

Search Code

261709 261710

Serial

Number

78037098

Filing Date

November 29, 2000

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Page 2 of 2

Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition September 4, 2001
Registration Number 2583861
Registration Date June 18, 2002
Owner (REGISTRANT) Region Design Studio, Inc. CORPORATION NEW YORK 134 West 113th Street Suite 5F New York NEW YORK 10026
Attorney of Record Carrie Anne Juliano
Description of Mark The design portion of the mark is loosely based upon a Ghanaian symbol which means "initiative" or "versatility".
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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 List At: OR to record: Record 6 out of 6**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	SAVOR THE REGIONS
Goods and Services	IC 041. US 100 101 107. G & S: entertainment services, namely, televised cooking instruction show. FIRST USE: 19960300. FIRST USE IN COMMERCE: 19960300
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75006192
Filing Date	October 16, 1995
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 4, 1997
Registration Number	2064574
Registration Date	May 27, 1997
Owner	(REGISTRANT) Southwest Louisiana Hospital Association NON-PROFIT CORPORATION LOUISIANA 1701 Oak Park Boulevard Lake Charles LOUISIANA 70601
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Edward M. Prince
Type of Mark	SERVICE MARK

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Page 2 of 2

Register PRINCIPAL
Live/Dead
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: December 16, 2003

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

ROBERT B. BURLINGAME
PILLSBURY WINTHROP LLP
PO BOX 7880
50 FREMONT STREET
SAN FRANCISCO, CA 94105

Amy King, Paralegal Specialist

Applicant's request to extend time filed November 11, 2003 and request for remand filed December 1, 2003 are noted.

Applicant seeks remand in order for the Examining Attorney to consider additional evidence. Good cause having been shown, the request for remand is granted, action on the appeal is suspended, and the file is remanded to the Trademark Examining Attorney for consideration.

In the event registrability is found on the basis of this paper, the appeal will be moot and the Board should be so informed. In the event the refusal of registration is maintained, the file should be returned to the Trademark

Trial and Appeal Board, proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/242955

APPLICANT: Wineryexchange.com

CORRESPONDENT ADDRESS:
Robert B. Burlingame
PILLSBURY WINTHROP LLP
PO BOX 7880
SAN FRANCISCO, CA 94120-7880

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom108@uspto.gov

MARK: REGIONS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

Serial Number 76/242955

The applicant is requesting reconsideration for a final refusal dated 7/01/02. The examining attorney has carefully reviewed this second request for reconsideration and has determined that no new facts or reasons have been presented that are significant or compelling with regard to the point at issue. Accordingly, the final action is maintained as written and the request for reconsideration is *denied*. 37 C.F.R. §2.64(b); TMEP §715.03(c). Once this action is mailed, the change of name will be entered and the application will be returned to the Board for resumption of the appeal process.

Refusal is Maintained

Registration was refused under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), because the proposed mark is merely descriptive of the identified goods. The applicant's proposed mark is "REGIONS" for wine. The applicant submits in the request for reconsideration that a third party registration for different mark illustrates that the proposed mark should be allowed in this instance. The examining attorney has considered the applicant's argument carefully but has found it unpersuasive. For the reasons below, the FINAL refusal under Section 2(e)(1) is maintained.

As the Trademark Act Section (2)(e)(1), 15 U.S.C. 1052(e)(1) states:

No trademark by which the goods of the applicant may be distinguished from the goods of others be refused registration on the principal register on account of its nature unless it . . .
(e) Consists of a mark which, (1) when used on or in connection with the goods of the applic:

merely descriptive or deceptively misdescriptive of them

The proposed mark "region" is defined as a specified district or territory.[1] A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b). As applied to the goods, the term appears to be descriptive of an important aspect of the goods, namely, the district or territory where the goods originate. In fact, some wines are named for the region from which they originate. For example, like "Bordeaux" mentioned in the previous Office action, "Champagne" is defined as "a sparkling white wine produced in Champagne,"[2] and as "A historical *region* and former province of northeast France. It was incorporated into the French royal domain in 1314. The sparkling wine champagne was first produced here c. 1700 (bold and italics added)."[3] Accordingly, the term "region" appears to describe a rather important feature of wine.

The applicant argues and submits various third party registrations which utilize different location terms (proposed mark in question (with different goods) to illustrate why the proposed mark is allowable. How as previously stated, third-party registrations are not conclusive on the question of descriptiveness. examining attorney must consider each case on its own merits. A mark which is merely descriptive i registrable merely because other similar marks appear on the register. *In re Sun Microsystems Inc* USPQ2d 1084 (TTAB 2001). TMEP §1209.03(a).

The examining attorney submits that the mark both immediately conveys and describes a characteristic of the applicant's goods, namely, a commonly used term identifying where the wine originates. *In re Orleans Wines, Ltd.*, 196 USPQ 516 (TTAB 1977). It should be noted that it is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods or services to be merely descriptive. It is enough if the term describes an attribute of the goods, as it clearly does in this instance. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973), *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987). The region from which the wine originates appears to be a significant consideration in the taste, texture and ultimate selection of wine. Granting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively inform consumers of a significant factor concerning the goods.

Please see the attached additional articles and internet evidence further illustrating descriptive use of the "regions" in identifying and describing a significant aspect of wines. A Lexis search for news ar containing "wine regions" found over three thousand stories. A focused search for the term in news ar of the last week found several examples (see attached). Based on the above, the mark can not be regis on the Principal Register as it is merely descriptive of a characteristic of the identified goods. The applic file will be returned to the Trademark Trial and Appeal Board for resumption of the appeal.

/Jason F. Turner/
Examining Attorney
Law Office 108
(703) 308-9108 Ext. 247
(703) 746-8108 (Fax)
ecom108@uspto.gov
(703) 305-8747 (Status)

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

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1 of 18 DOCUMENTS

Copyright 2004 The New York Times Company
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January 30, 2004, Friday, Late Edition - Final

SECTION: Section F; Page 1; Column 3; Escapes

LENGTH: 70 words

HEADLINE: DAY TRIPS;
No Wine in Antarctica; Try the Finger Lakes

BODY:

...Freezing rain? Arctic windchills? It's a great time to visit the not-too-crowded tasting rooms of the Finger Lakes wine region. Among the offerings is proof that winter's cruel weather has a bright side: ice wine, a sweet amber nectar ...

2 of 18 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

January 30, 2004, Friday, Late Edition - Final

SECTION: Section F; Page 8; Column 1; Escapes

LENGTH: 1186 words

HEADLINE: DAY TRIPS;
In the Finger Lakes, the Sweet Taste of Winter

BYLINE: By TATIANA BONCOMPAGNI

BODY:

...winter, the ice wine season can mean an intimate look inside the operations of one of New York's prime wine regions. During the winter months almost a dozen wineries, many of them family owned and operated, are in the process of picking, pressing and ...

...so there would be room to cart all the cases home to Long Island. "The vidal blanc is outrageous," Ms. Seltzer said of her favorite wine from the region.

But it's ice wine that is increasingly putting the Finger Lakes region on the wine map. In the last three ...

3 of 18 DOCUMENTS

Copyright 2004 The Times-Picayune Publishing Company
Times-Picayune (New Orleans, LA)

January 29, 2004 Thursday

SECTION: FOOD; Pg. 90

LENGTH: 610 words

HEADLINE: SCOOP DU JOUR

BODY:

...Ridge Coastal Vines Cabernet (\$10)

This Napa Ridge wine isn't from Napa -- or anywhere close to California's most famous wine region -- but it is, nevertheless, a solid value in red wine. It's a medium-bodied wine with intense ...

6 of 18 DOCUMENTS

Copyright 2004 The Commercial Appeal, Inc.
The Commercial Appeal (Memphis, TN)

January 28, 2004 Wednesday Final Edition

SECTION: APPEAL; Pg. E5

LENGTH: 721 words

HEADLINE: WHAT TO DO WITH THAT FUNKY BOTTLE? TAKE IT BACK

BYLINE: Leslie Kelly kelly@commercialappeal.com

BODY:

...Vin Expo. I've worked on grape harvests in Walla Walla, Wash., and toured California's most famous wine regions.

Though I've sampled my way through thousands of bottles and interviewed scores of winemakers and growers, I don't consider ...

7 of 18 DOCUMENTS

Copyright 2004 DR Partners d/b Las Vegas Review-Journal
Las Vegas Review-Journal (Nevada)

January 28, 2004 Wednesday FINAL EDITION

SECTION: E; Pg. 1E

LENGTH: 647 words

HEADLINE: TASTE OF THE TOWN: Lutefisk season returns

BYLINE: Heidi Knapp Rinella

BODY:

... Wine' (reading a wine list, buying wine, and food and wine pairings); March 13, 'North and South American **Wine Regions**'; April 3, 'How Wine is Created'; May 8, 'European **Wine Regions**'; and June 5, 'The New World **Wine Regions**.' Each session will include two hours of theory and one hour of wine tasting with cheese and crackers. To register, call ...

8 of 18 DOCUMENTS

Copyright 2004 The Times Mirror Company; Los Angeles Times
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Los Angeles Times

January 28, 2004 Wednesday
Home Edition

SECTION: FOOD; Features Desk; Part F; Pg. 3

LENGTH: 78 words

HEADLINE: For the record

BODY:

Wine region -- An article in last week's Food section about wines from the Russian River Valley incorrectly stated that in the ...

9 of 18 DOCUMENTS

Copyright 2004 Bergen Record Corporation
The Record (Bergen County, NJ)

January 28, 2004 Wednesday All Editions

SECTION: FOOD; WINE TALK; Pg. F02

LENGTH: 839 words

HEADLINE: 3 plans for the big day

BYLINE: ROBERT WHITLEY

BODY:

...knowledge. At northbay.com, you will find a wealth of information about food and wine in the North Coast wine regions of Napa, Sonoma, and Mendocino.

* * *

Robert Whitley is a nationally syndicated wine columnist and radio host. Send questions to Wine ...

10 of 18 DOCUMENTS

Copyright 2004 McClatchy Newspapers, Inc.
Sacramento Bee

January 28, 2004, Wednesday METRO FINAL EDITION

SECTION: TASTE; Pg. F9; APPETIZERS

LENGTH: 686 words

HEADLINE: A bit of Ambrosia downtown

BYLINE: Mike Dunne

BODY:

...business eventually. They've bought the shuttered Sportsman in downtown Plymouth, gateway to the Shenandoah Valley. The area, for a wine region, is surprisingly shy of creative, upscale restaurants. The Berkners could change that, but for now they are undecided about what to do with the place.

"We're figuring ...

11 of 18 DOCUMENTS

Copyright 2004 San Antonio Express-News
San Antonio Express-News (Texas)

January 28, 2004, Wednesday , METRO

SECTION: FOOD; Pg. 2F

LENGTH: 157 words

HEADLINE: Q&A

...upbringing." On a wine label, it refers to the aging that the wine received. The time varies according to the rules of each wine region. If a wine region (called a DO, for denominacion de origen) doesn't have its own rules, a crianza wine must be aged at ...

14 of 18 DOCUMENTS

Copyright 2004 Star-Telegram Newspaper, Inc.
Fort Worth Star Telegram (Texas)

January 26, 2004, Monday FINAL EDITION

SECTION: METRO; Pg. 5B

LENGTH: 317 words

HEADLINE: 10 MINUTES WITH ... CHRISTOPHE PANIAGUA

BYLINE: PUNCH SHAW; Star-Telegram Staff Writer

BODY:

Christophe Paniagua, a 16-year-old exchange student from Bourdeaux, France, a small town, not the **wine region**, which is spelled without a u. At the Stock Show, he is showing hogs owned by his host Freddy Helmuth, who ...

16 of 18 DOCUMENTS

Copyright 2004 The Miami Herald
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The Miami Herald

January 25, 2004 Sunday F1TR EDITION

SECTION: J; Pg. 10

LENGTH: 865 words

HEADLINE: LUXURY IN AFRICA

BODY:

...800-223-6800; www.orient-express.com

* Spier Estate: Located near Cape Town in the Stellenbosch wine region, Spier estate combines upscale lodging and dining with expansive grounds, summer arts programs and cheetah conservation programs. Activities ...

18 of 18 DOCUMENTS

Copyright 2004 The Wichita Eagle
All Rights Reserved
The Wichita Eagle

January 25, 2004 Sunday MAIN EDITION

SECTION: H; BRIEF; Pg. 1

LENGTH: 752 words

HEADLINE: South African summer deals

BODY:

Cape Town great escape

From the natural beauty of Table Mountain to the famous wine region, there's never been a better time to visit Cape Town. The \$1,550 price tag includes round-trip airfare from Atlanta or ...

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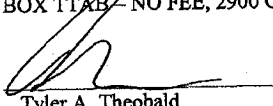
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Date of Deposit November 6, 2003. I hereby certify that this Motion to Reset/Extend Time to File Ex Parte Appeal Brief is being deposited with the United States Postal Service, First Class Mail, addressed to Commissioner for Trademarks, BOX TTAB- NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514.


Tyler A. Theobald

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application of

Winery Exchange, Inc.
(formerly Wineryexchange.com)

Serial No.: 76/242955

Filed: April 17, 2001

Mark: REGIONS

Exam. Atty: Jason F. Turner, Esq.

Law Office: 108



11-12-2003

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MOTION TO RESET/EXTEND TIME
TO FILE EX PARTE APPEAL BRIEF

Dear Sir or Madam:

Applicant hereby moves that the deadline for filing its appeal brief for the above-referenced application be reset for November 26, 2003. Applicant respectfully requests this extension of time because the appeal brief was not filed as a result of excusable neglect due to unusual and inadvertent circumstances.

As detailed below, Applicant and its current trademark counsel were unaware until yesterday, November 5, 2003, that the Board had set August 16, 2003 as the deadline for submitting Applicant's appeal brief, and Applicant moves that the Board grant this additional time to enable Applicant to file its brief to address the Examining Attorney's unjustified descriptiveness refusal.

On December 30, 2002, in response to the Examining Attorney's final refusal dated July 1, 2003, Applicant filed a Request for Reconsideration together with this appeal.

On June 2, 2003, the Examining Attorney refused the Request for Reconsideration. However, the Examining Attorney did so in the form of an office action which stated that Applicant had six months to respond. Accordingly, upon receipt of the office action in June 2003, Applicant's prior trademark counsel, Brobeck, Phleger & Harrison (which firm is no longer in existence) docketed that a response was due by December 2, 2003.

Later in June 2003, Applicant changed its outside trademark counsel to Pillsbury Winthrop LLP. Likely on account of the fact that Applicant's prior counsel was in the process of transferring the trademark files to Applicant's new counsel, Applicant's prior counsel did not docket the August 16, 2003 deadline set forth in the Board's order of June 17, 2003, and Applicant's prior counsel did not inform Applicant or Applicant's new counsel of that August 16 deadline. Although the purported December 2, 2003 due date was docketed and passed along to Applicant and Applicant's new counsel, it was not until yesterday, when Applicant's new counsel began to prepare its December 2 response, that either Applicant or Applicant's new counsel learned of the existence of the Board's June 17, 2003 order.

The Board's June 17 order states that "the appeal is resumed; and applicant is allowed until sixty days from the date hereof in which to file its brief herein." The order also contains a

footnote which states "It should be noted that the Trademark Attorney inadvertently indicated that 'A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.' This clause is not applicable under the circumstances of this case."

Nevertheless, Applicant and its new counsel had not seen, and had no knowledge of, that June 17 order or its contents until yesterday. Instead, Applicant and its new counsel were mindful of the purported December 2, 2003 deadline.

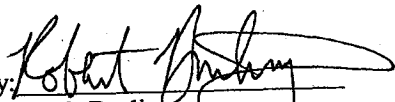
Applicant remains vitally interested in obtaining registration of its REGIONS mark for wine and continues to believe that the mark REGIONS is not merely descriptive for wine. Applicant's failure to file an appeal brief by the August 16 deadline was due to excusable neglect, and Applicant hereby moves to reset the date for filing its appeal brief in light of the above circumstances. Applicant and its new counsel are currently in the process of preparing the factual and legal arguments for briefing the appeal, and the additional time is needed to complete this process.

Applicant therefore respectfully requests that the Board grant this Motion to Reset/Extend Time to File Ex Parte Appeal Brief.

Dated: November 6, 2003

Respectfully submitted,

WINERY EXCHANGE, INC.

By: 
Robert B. Burlingame
PILLSBURY WINTHROP LLP
50 Fremont Street
P.O. Box 7880
San Francisco, CA 94105
(415) 983-1274
rburlingame@pillsburywinthrop.com



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MAILING ADDRESS: P. O. BOX 7880 SAN FRANCISCO, CA 94120-7880

November 19, 2003

Tyler A. Theobald
415.983.1259

ttheobald@PillsburyWinthrop.com

VIA FIRST CLASS MAIL

The Commissioner for Trademarks
United States Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3514



11-21-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #74

Re: Revocation and Appointment of Power of Attorney
and Notice of Change of Correspondence Address
Applicant: Winery Exchange, Inc.
Marks: See attached Schedule A
Our Ref.: 063914/0000003

Dear Sir or Madam:

On behalf of our client Winery Exchange, Inc., we hereby file the enclosed materials necessary for transmittal of the Request for Revocation and Appointment of Power of Attorney and Notice of Change of Correspondence for the marks set forth in the attached Schedule A.

Accordingly, enclosed for processing please find a separate Revocation and Appointment of Power of Attorney and Notice of Change of Correspondence Address for each of the marks listed on the Schedule A attached thereto.

Please note that we previously filed the Request on July 15, 2003 (see attached coversheets) but the Request was never processed by the USPTO. We have changed the Correspondence Address through the USPTO's online system, but we still need the USPTO to process the Power of Attorney.

Please acknowledge your receipt of the enclosed by date-stamping the enclosed self-addressed, stamped postcard and returning the same to us.

10765531V1

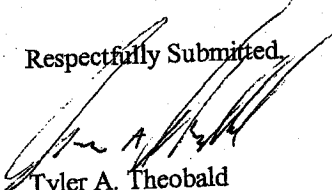
The Commissioner for Trademarks
November 19, 2003
Page 2

Any correspondence regarding the above-reference matter should be addressed to:

Calendar/Docketing Department
Pillsbury Winthrop LLP
Post Office Box 7880
San Francisco, CA 94120-7880

Thank you for your assistance.

Respectfully Submitted



Tyler A. Theobald

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Confirmation Report - Memory Send

Page : 001
 Date & Time: 07-15-03 09:43am
 Line 1 : 4159831200
 Line 2 : 4159831200
 E-mail :
 Machine ID : Pillsbury Winthrop LLP

Job number : 393
 Date : 07-15 09:42am
 To : 2917038729801
 Number of pages : 003
 Start time : 07-15 09:42am
 End time : 07-15 09:43am
 Pages sent : 003
 Status : OK

Job number : 393

*** SEND SUCCESSFUL ***

PILLSBURY WINTHROP LLP

50 FREMONT STREET SAN FRANCISCO, CA 94102-3228 ATN: 983-1400 P: 415-983-1200
 MAILING ADDRESS: P. O. BOX 7880 SAN FRANCISCO, CA 94107-7880

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Total Pages (including cover): 3

Date:	July 15, 2003	Must Be Sent By:	ASAP
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Company:	USPTO	Phone No:	(703) 308-9550
From:	Stacy L. Brown	Phone No:	(415) 983-1403
User No:	14342	C/M No:	063914/0000003

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FROM: Stacy Brown

OF PAGES: 3 pages

OPERATOR: Pat K.

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Jul 14 03 06:36p

Winery Exchange Inc

+1-415-382-6905

p. 4

Schedule A

Mark	Application No.
VILLA CAMPAGNA	78/144502
DRAKE-HUDSON	78/241846
Q	78/245287
DELLATORRI	78/236439
DRINK GLOBAL	78/224594
PARKERS ESTATE BLUE ASH ROAD	78/162675
PARKERS ESTATE OLD VINE STREET	78/146828
PARKERS ESTATE NORTH PEYTON BLOCK	78/146825
PARKERS ESTATE BLUE ASH ROW	78/146823
LANDSCAPES	78/075318
ORTOLANO	76/408088
OMBRETTA	76/416853
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ORIGINS	76/288332
KALBARRI	76/288195
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RED GUMTREE	76/413940
Grape Design	76/114551
LA MIRA	76/288331
RAPAKI BAY	76/288462
TORRIGO BAY	76/288061
TIMARA VALLEY	76/288060
JENICA PARK	76/288057
REGIONS	76/242955



PILLSBURY WINTHROP LLP

50 FREMONT STREET SAN FRANCISCO, CA 94105-2228 415.983.1000 F: 415.983.1200
MAILING ADDRESS: P. O. BOX 7880 SAN FRANCISCO, CA 94120-7880

November 19, 2003

Tyler A. Theobald
415.983.1259

ttheobald@PillsburyWinthrop.com

VIA FIRST CLASS MAIL

The Commissioner for Trademarks
United States Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3514

Re: Revocation and Appointment of Power of Attorney
and Notice of Change of Correspondence Address
Applicant: Winery Exchange, Inc.
Marks: See attached Schedule A
Our Ref.: 063914/0000003

Dear Sir or Madam:

On behalf of our client Winery Exchange, Inc., we hereby file the enclosed materials necessary for transmittal of the Request for Revocation and Appointment of Power of Attorney and Notice of Change of Correspondence for the marks set forth in the attached Schedule A.

Accordingly, enclosed for processing please find a separate Revocation and Appointment of Power of Attorney and Notice of Change of Correspondence Address for each of the marks listed on the Schedule A attached thereto.

Please note that we previously filed the Request on July 15, 2003 (see attached coversheets) but the Request was never processed by the USPTO. We have changed the Correspondence Address through the USPTO's online system, but we still need the USPTO to process the Power of Attorney.

Please acknowledge your receipt of the enclosed by date-stamping the enclosed self-addressed, stamped postcard and returning the same to us.

10765531V1

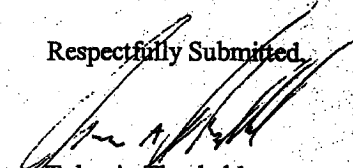
The Commissioner for Trademarks
November 19, 2003
Page 2

Any correspondence regarding the above-reference matter should be addressed to:

Calendar/Docketing Department
Pillsbury Winthrop LLP
Post Office Box 7880
San Francisco, CA 94120-7880

Thank you for your assistance.

Respectfully Submitted,



Tyler A. Theobald

Turner, Jason

From: rburlingame@pillsburywinthrop.com
Sent: Friday, January 02, 2004 7:57 PM
To: Turner, Jason
Subject: REGIONS -- U.S. Application Ser. No. 76242955

Dear Jason,

I hope you are enjoying a wonderful holiday season.

We recently received the Board's Notice explaining that it granted our motion and remanded the REGIONS file (Ser. No. 76242955) to you for reconsideration. We are delighted as you can now review the additional evidence that we submitted to further demonstrate that REGIONS is not descriptive of wine. Based on all of the evidence and arguments, we respectfully request that you approve the REGIONS application for publication.

I am also writing to request that the owner, attorney and correspondence information be corrected for this REGIONS application. Currently, the system shows "Wineryexchange.com" as the owner of record with an address at 1150 Bayhill Drive, Suite 215, San Bruno, CA 94066". However, pursuant to the change of owner name recorded August 27, 2001 at Reel/Frame 2360/0338, and pursuant to the request included in the Response to Office Action No. 1 filed by prior counsel on May 1, 2002, the owner name and address should read "Winery Exchange, Inc." at "35 Leveroni Court, Suite 100, Novato, California 94949".

Furthermore, the USPTO's online system shows "Tyler A. Theobald" as the attorney and correspondent of record. Although Mr. Theobald prepared and signed the cover letter with which the Power of Attorney was submitted, the Power of Attorney itself appoints me and specifically states (in the Power of Attorney's concluding sentence) that all correspondence should be directed to my attention. Therefore, particularly because Mr. Theobald is our practice assistant and not an attorney, we would be grateful if you could amend the attorney-of-record and correspondence address information to reflect my name and contact information as set forth in the Power of Attorney.

Thank you very much for your assistance.

--Bob

Robert B. Burlingame
rburlingame@pillsburywinthrop.com
Pillsbury Winthrop LLP (<http://www.pillsburywinthrop.com>)
50 Fremont Street, San Francisco, CA 94105
Direct Phone: (415) 983-1274; Fax: (415) 983-1200
General Office Phone: (415) 983-1000
Biography: <http://www.pillsburywinthrop.com/attorneys/bio.asp?empid=000058851444>

The contents of this message, together with any attachments, are intended only for the use of the

1/6/04

individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Help Desk at Tel: 800-477-0770 x4860 immediately by telephone or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.

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02-04-04 05:27PM From:Pillsbury Winthrop LLP

4159831200

T-976 P.001/010 P-842



PILLSBURY WINTHROP LLP

30 FREMONT STREET SAN FRANCISCO, CA 94102-3228 ATT: 983-1200 F: 415-983-1200
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Date: February 4, 2004
To: Dave Shallant
Managing Attorney
Company: U.S.P.T.O.

Must Be Sent By: A.S.A.P.
Fax No: 703-872-9184
Phone No: 703-308-9108

From: Robert B. Burlingame
User No: 14062

Phone No: (415) 983-1274
C/M No: 063914/0304904

Comments:

Dear Mr. Shallant,

To enable you to recreate the USPTO file for Application Ser. No. 78/224594 for the mark DRINK GLOBAL, I am faxing you the attached documents per Examining Attorney Jeri Fickes' request.

The recreation should not be difficult on account of the fact that no office actions were issued. Rather, the application was filed on March 12, 2003, and it was approved on August 26, 2003 for publication. Furthermore, a "Revocation and Appointment of Power of Attorney and Notice of Change of Correspondence Address" was filed on July 15, 2003.

The applicant respectfully requests that you recreate the USPTO file and publish this application as soon as possible given the delay it has already sustained.

Please contact me if you have any questions. Thank you.

Robert B. Burlingame
By Robert B. Burlingame

Confidentiality Note:
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PAGE 1/10 * RCVD AT 2/4/2004 8:35:20 PM [Eastern Standard Time] * SVR:USPTO-EPXRF-1/2 * DNIS:8729184 * CSID:4159831200 * DURATION (mm-ss):03-06

02-04-04 05:27pm From-Pillsbury Winthrop LLP 4159831200 T-976 P.002/010 F-842

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-01-13 13:16:07 ET

Serial Number: 78224594

Registration Number: (NOT AVAILABLE)

Mark (words only): DRINK GLOBAL

Standard Character claim: No

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2003-08-26

Filing Date: 2003-03-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Registrar: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
FICKES JERI J Employee Location

Current Location: L2D -TMEG Law Office 102 - Docket Clerk

Date In Location: 2003-10-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Winery Exchange, Inc.

Address:
Winery Exchange, Inc.
35 Leveroni Court, Suite 100
Novato, CA 94949
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

02-04-04 05:27pm From-Pillsbury Winthrop LLP

4159831200

T-978 P.003/010 F-942

Wine
International Class: 033
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)
Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-11-21 - PAPER RECEIVED
2003-09-17 - TEAS Change of Correspondence Received
2003-08-26 - Approved for Pub - Principal Register (Initial exam)
2003-08-25 - Case file assigned to examining attorney

CONTACT INFORMATION

~~Correspondent (Owner)~~
~~Carla B. Oakley (Attorney of record)~~
Robert B. Burlingame
Pillsbury Winthrop LLP
Calendar/Docketing Dept. P.O. Box 7880
San Francisco CA 94103-7880
Phone Number: 415-983-1274
Fax Number: 415-983-1200

Should be
corrected per new
Power of Atty
filed 7/15/03

Page : 001
Date & Time: 07-15-03 09:43am
Line 1 : 4159881200
Line 2 : 4159881200
E-mail :
Machine ID : Pillsbury Winthrop LLP

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Number of pages	:	003	
Start time	:	07-15	08:42am
End time	:	07-15	08:43am
Pages sent	:	003	
Status	:	OK	
Job number	:	393	Page 1 of 1

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[illegible]

DATE	APR 26, 2003	TO	ALAS
TIME	10:00 AM	FROM	(703) 302-7155
LOCATION	1000 10th St NW	TO	(703) 302-0880
NAME	John Doe	FROM	(703) 302-1400
PHONE	1-800-123-4567	TO	(703) 302-0880

TELEFAX CONFIRMATION
TO: Calvin - H - Div. 1
FROM: Steve Brown
OF PAGES: 3
OPERATOR: W.R.
RETURN TO: 15-36 FLOOR

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 415-368-1100

02-04-04 05:29pm From:Pillsbury Winthrop LLP 4159831200 T-976 P.008/010 F-342
JUL 14 04 11:44 AM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Winery Exchange, Inc.
Marks: See attached Schedule A

REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY
AND NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS

TO THE COMMISSIONER FOR TRADEMARKS

Dear Sir or Madam:

POWER OF ATTORNEY

Applicant hereby appoints Richard L. Kirkpatrick, Cydney A. Tame, Laura C. Gustafson, Robert B. Burlingame, Michelle T. Rutledge, Reese A. Peacor, and Devin R. Chrysler of Pillsbury Winthrop LLP, and all members of that firm and all other attorneys associated with that firm, with full powers of revocation and substitution, to transact all business in the Patent and Trademark Office in connection with these applications.

CORRESPONDENCE ADDRESS

Please direct all correspondence concerning the applications identified in the attached Schedule A:

Calendar/Docketing Department
Pillsbury Winthrop LLP
Post Office Box 7880
San Francisco, CA 94120-7880

Please direct all telephone and/or email communications to Robert B. Burlingame at (415) 983-1274; SBTrademarks@pillsburywinthrop.com.

Winery Exchange, Inc.

By: O.P. Colvin
Oliver Colvin, General Counsel

Date: July 14, 2003

02-04-04 05:28pm From:Pillsbury Winthrop LLP 4156831200 T-978 P.006/010 F-342

Schedule A

Mark	Application No.
VILLA CAMPAGNA	78/144302
DRAKE HUDSON	78/241846
Q	78/245287
DELLATORRE	78/238439
DRINK GLOBAL	78/224594
PARKERS ESTATE BLUE ASH ROAD	78/162675
PARKERS ESTATE OLD VINE STREET	78/146828
PARKERS ESTATE NORTH PRYTON BLOCK	78/146825
PARKERS ESTATE BLUE ASH ROW	78/146823
LANDSCAPES	78/075318
ORTOLANO	76/408088
OMBRETTA	76/416833
KARALTA	76/409047
PASITOS	76/360202
PLACE	76/310836
ALBURY COVE	76/289044
ORIGINS	76/288332
KALBARRI	76/288195
HUNTERS GROVE	76/415702
RED GUMTREE	76/413940
Grape Design	76/114651
LA MIRA	76/288231
RAPAKI BAY	76/288462
TORRICO BAY	76/288061
TIMARA VALLEY	76/288060
JENICA PARK	76/288057
REGIONS	76/242935

Winery Exchange Power of Attorney - appa.doc

-2-

02-04-04 05:28pm From-Pillsbury Winthrop LLP

4159831200

T-976 P.007/010 P-342

Original Message

From: PrintEAS@uspto.gov [mailto:PrintEAS@uspto.gov]
 Sent: Wednesday, March 12, 2003 10:28 AM
 To: Oakley, Carla B.
 Cc: teas@uspto.gov; e-receipt@teas1.uspto.gov
 Subject: Received your Trademark Application

<MARK> DRINK GLOBAL

We have received your application and assigned serial number '78224594' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

If you determine that you made an error in the information you entered, you may file a preliminary amendment electronically, stating your proposed correction, at <http://teas.uspto.gov/V2.0/ps200/WIZARD.htm>.
 NOTE: You cannot file a Preliminary Amendment until at least 15 days after initial filing of the application. Prior to that time, the serial number will not appear in the USPTO database (even though the number was assigned at the time of filing), preventing the uploading of new data.

The examining attorney will determine whether the change proposed in the amendment is permissible, within the normal course of his or her review of the application. Please note that not all errors may be corrected; for example, if you submitted the wrong mark or the incorrect goods and/or services, if the proposed correction would be considered a material alteration to your original filing, this will NOT be accepted. Unfortunately, your only recourse in that event is to re-file - your fee would NOT be refunded. Once you submit an application, either electronically or through the mail, we will not cancel the filing or refund your fee, unless the application fails to satisfy minimum filing requirements. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.

In approximately 6 months, you will hear from the assigned examining attorney.

NOTE: If you have a question, comment or technical concern about your specific application or TEAS in general, please send that question to PrintEAS@uspto.gov. NOTE: To check status information, please use either <http://barr.uspto.gov>, or call 703-305-8747 (M-F, 8:30 a.m. to 12 midnight, EST). However, do NOT attempt to check status until at least 45 days after submission, to allow sufficient time for our databases to be updated.

The applicant, Winery Exchange, Inc., a corporation of California, residing at 35 Leveroni Court, Suite 100, Novato, CA USA 94949, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

*** Classification and Listing of Goods/Services:**

The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 033: Wine

*** Correspondence Information**

The applicant, hereby appoints Carla B. Oakley and Rochelle D. Alpert, Leslie McKnew, Sharon R. Smith, and Denise Lo of Morgan, Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA USA 94105 to submit this application on behalf of the applicant.

*** Fees**

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

2

PAGE 7/10 * RCVD AT 2/4/2004 8:35:20 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729184 * CSID:4159831200 * DURATION (mm:ss):03-06

02-04-04 09:28pm From-Pillsbury Winthrop LLP

4159831200

T-975 P.008/010 F-242

Declaration Signature

Signature: Carla B. Oakley/ Date: 03/12/2003
 Signatory's Name: Carla B. Oakley
 Signatory's Position: Attorney for Applicant

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PAGE 8/10 * RCVD AT 2/4/2004 8:35:20 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/2 * DNS:3729184 * CSID:4159831200 * DURATION (mm-ss):03-06

02-04-04 09:29pm From:Pillsbury Winthrop LLP

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T-978 P.009/010 F-342

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<street>One Market, Spear Street Tower</street>
<city>San Francisco</city>
<state>CA</state>
<postal-code>94105</postal-code>
<country-name>USA</country-name>
<phone>(415) 442-1301</phone>
<fax>(415) 442-1010</fax>
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Wed Mar 12 13:28:16 EST 2003
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PAGE 9/10 * RCVD AT 2/4/2004 8:35:20 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/2 * DNIS:8729184 * CSID:4159831200 * DURATION (mm:ss):03:08

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Date of Deposit November 26, 2003. I hereby certify that this Request to Suspend and Remand is being deposited with the United States Postal Service, First Class Mail, addressed to Attn: TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Betty Bryant-Phillips
Betty Bryant-Phillips

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application of

Winery Exchange, Inc.
(formerly Wineryexchange.com)



12-01-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

Serial No.: 76/242955
Filed: April 17, 2001
Mark: REGIONS
Exam. Atty: Jason F. Turner, Esq.
Law Office: 108

Commissioner for Trademarks
BOX TTAB - NO FEE
2900 Crystal Drive
Arlington, VA 22202-3514

REQUEST TO SUSPEND AND REMAND

Dear Sir or Madam:

Further to Applicant's previously filed Motion to Reset/Extend Time to File Ex Parte Appeal Brief, Applicant respectfully submits this Request to Suspend and Remand pursuant to 37 CFR § 2.142(d) and TBMP 1207.02.

1. Good Cause for Suspension and Remand.

After this appeal was filed, Applicant obtained new counsel (as explained in Applicant's Motion to Reset/Extend Time to File Ex Parte Appeal Brief, and as illustrated by the Revocation

and Appointment of Power of Attorney filed with the United States Patent and Trademark Office and attached hereto as Exhibit A).

Applicant's new counsel wants to submit additional evidence in order to provide the Board and the Examining Attorney with a full record, and as stated in TBMP 1207.02, situations in which a "new attorney for the applicant . . . has taken over the case and wishes to supplement the evidence of record" constitute good cause for a remand for additional evidence.

2. Additional Evidence Sought to Be Introduced.

At its core, the Examining Attorney's refusal and arguments are based on the theory that the term REGIONS is descriptive because wine comes from certain regions. However, every product inevitably comes from some region, and although people use many terms in their general sense (e.g., regions, countryside, orchard) to refer to the type of source of various products, such terms can also be used outside of that general sense as trademarks that do not describe anything about the products on which they are used. If taken to its logical conclusion, the Examining Attorney's argument would render many marks merely descriptive simply because they are used in their general "dictionary" sense to refer to the source of a product.

Applicant's new counsel has learned that many such terms have been registered as trademarks on the Principal Register without any disclaimer or claim of acquired distinctiveness, including the following examples:

- ZONE – Reg. No. 2186191 for vodka-based distilled spirits with added fruit flavors;
- ZONE – Reg. Nos. 2583643 and 2324221 for bowling balls;
- ORCHARD – Reg. No. 0389985 for fresh citrus fruits;
- COUNTRYSIDE – Reg. Nos. 1413524, 1457674 and 1876773 for dairy products and fruit juice drinks;
- FARMS – Reg. No. 1332498 for agricultural publication audience research;

- FIELD – Reg. Nos. 1515604 and 1517319 for meats, cheese, lard and poultry;
- FIELD – Reg. No. 0754816 for seeds and nursery stock;
- PLACE – Reg. No. 2202251 for children's clothes;
- PLACE – Reg. No. 0427455 for cologne;
- AREA – Reg. No. 2622618 for bedding, table linens and curtains;
- LOCATION – Reg. No. 2641969 for a computer program;
- LOCATIONS – Reg. No. 1841311 for magazines for event and party planning;
- SOURCE – Reg. No. 2668049 for tea-based bottled beverages and fruit juice beverages;
- SOURCE – Reg. No. 2480455 for toys;
- SOURCE – Reg. No. 2217426 for non-medicated hair care and skin care preparations;
- SOURCE – Reg. No. 2398203 for various products including drinking flasks and shoes;
- SOURCE – Reg. No. 2118920 for loudspeakers;
- SOURCE – Reg. Nos. 1255764 and 1092632 for food supplements for animal feed;
- SOURCE – Reg. No. 2738375 for services including installation of heating, ventilating, air conditioning, refrigeration and electrical energy controllers;
- ORIGIN – Reg. No. 2779493 for bathtubs;
- SITE – Reg. No. 2690323 for fluorescent luminaires;
- SITE – Reg. No. 2344716 for charge coupled devices;
- SITE – Reg. No. 1667958 for promoting the interests of incentive travel executives;
- CITY – Reg. No. 2623771 for installation, maintenance and repair of electrical wiring;
- CITIES – Reg. No. 2237584 for furniture;
- CITIES – Reg. No. 1208597 for footwear;
- STATE – Reg. No. 2489956 for cigarettes, tobacco and tobacco products;
- STATE – Reg. No. 2662408 for water heaters;

- STATES – Reg. Nos. 1965774 and 1016751 for electrical power distribution and substation equipment;
- DERIVATION – Reg. No. 2782061 for equipment for playing a word game;
- VALLEY – Reg. No. 2654343 for contract food services;
- NEIGHBORHOOD – Reg. No. 2395400 for sportswear and sporting goods;
- CONTINENT – Reg. No. 2089295 for printing presses;
- VICINITY – Reg. Nos. 2159691 and 2506043 for computer services;
- LOCALITY – Reg. Nos. 2608550 and 2598574 for information services;
- REALM – Reg. Nos. 1975469 and 1867411 for cologne, eau de toilette and eau de perfume;
- QUARTERS – Reg. No. 2042168 for clothing;
- COUNTY – Reg. No. 0960343 for tractors;
- PROVINCE – Reg. No. 2725927 for luggage;
- PROVINCE – Reg. No. 2238347 for mattresses;
- JARDIN (translated as GARDEN) – Reg. No. 2051062 for fruit nectars and fruit juices;
- JARDIN (translated as GARDEN) – Reg. Nos. 2647776 and 2577111 for garden furniture; and
- LA VINA (translated as THE VINEYARD) – Reg. No. 0973518 for a wine sauce for cooking.

Additionally, even with respect to the mark REGIONS itself, Applicant's new counsel has learned that the United States Patent and Trademark Office has on several occasions determined that the marks REGION and REGIONS are not merely descriptive, as evidenced by the following registrations without any disclaimer or claim of acquired distinctiveness for the term REGION or REGIONS:

- REGIONS – Reg. Nos. 1881600 and 1914267 for banking services (despite the fact that the type of banking services available may be based on a particular region);

- REGIONS – Reg. No. 2175755 for medical services (despite the fact that medical services are typically offered through hospitals located in particular regions);
- REGION – Reg. No. 2583861 for clothing (despite the fact that clothing comes from a particular region and is typically designed to fit the needs and styles of a particular region); and
- SAVOR THE REGIONS – Reg. No. 2064574 for a televised cooking instruction show (despite the fact that such shows typically explore the cooking techniques and recipes of particular regions).

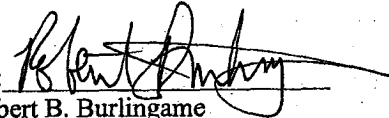
None of the above-identified trademark registrations have yet been made part of the record in this appeal because they were not previously brought to the Examining Attorney's attention by Applicant's former counsel. Because these registrations bear directly on the issue of registrability of Applicant's mark, Applicant – through its new counsel – respectfully hereby seeks to introduce these registrations as evidence. Copies of the registrations, taken from the electronic records of the United States Patent and Trademark Office (through its online TESS system), are attached hereto as Exhibit B.

Accordingly, Applicant respectfully requests that the Board suspend this appeal and remand the application for further examination in light of this additional evidence. In the event that this Request is denied, Applicant requests that the Board reset the deadline for the submission of Applicant's Appeal Brief for a date in the near term.

Dated: November 26, 2003

Respectfully submitted,

WINERY EXCHANGE, INC.

By: 
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T TAV

Date of Deposit April 13, 2004. I hereby certify that this Applicant's Appeal Brief is being deposited with the United States Postal Service, First Class Mail, addressed to Commissioner for Trademarks, BOX TTAB – NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Betty Bryant Phillips
Betty Bryant Phillips

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application of

Winery Exchange, Inc.
(formerly Wineryexchange.com)

Serial No.: 76/242955

Filed: April 17, 2001

Mark: REGIONS

Exam. Atty: Jason F. Turner, Esq.

Law Office: 108



04-16-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Commissioner for Trademarks
BOX TTAB – NO FEE
2900 Crystal Drive
Arlington, VA 22202-3514

APPLICANT'S APPEAL BRIEF

Dear Sir or Madam:

Applicant respectfully submits this brief in support of its appeal of the Examining Attorney's 2(e)(1) refusal of registration of the mark REGIONS for wine.

The mark REGIONS is inherently distinctive and is not merely descriptive of Applicant's wine. The Examining Attorney has failed to evaluate the mark directly with respect to Applicant's goods and has erroneously considered the mark in the abstract in a general sense without immediate reference to wine. Everything comes from some region, but that does not render the term REGIONS merely descriptive of every product. Furthermore, the facts support

allowance rather than refusal, and the Examining Attorney has not met the required evidentiary burden to show mere descriptiveness.

I. Summary of the Record.

A. Examining Attorney's Evidence.

The Examining Attorney's evidence consists of a dictionary definition, maps of wine-producing territories and various wine-related articles and excerpts from Lexis/Nexis, the Internet and magazines which contain the terms "regions" or "region". For example, the Examining Attorney stated that one of the definitions of REGION is "a specified district or territory"¹ and included a copy of a map of France and cited Champagne and Bordeaux as examples of wines named for the region from which they originate.²

In addition, the Examining Attorney attached print-outs which indicated that Lexis/Nexis searches disclosed thousands of articles containing the phrase "wine regions" or the term "wine" in close proximity to the term "region", and he provided excerpts from approximately 40 such articles to show descriptive use of phrases such as "famous wine region", "most exciting wine regions", "number of wine regions", "interests in many wine regions", "labels from wine regions", "general information about the wine and the region", "information about the wine and the region", "the wine regions fanning inland", "the Stellenbosch wine region" and "wine regions of Napa, Sonoma, and Mendocino."³ The Examining Attorney also included exhibits which showed that the terms "regions" and "region" were used on websites, magazines and two books relating to wine regions.⁴

¹ See Office Actions dated 11/6/01, 7/1/02, 6/2/03 and 2/2/04.

² See Office Actions dated 7/1/02 and 6/2/03.

³ See Office Actions dated 11/6/01, 7/1/02 and 2/2/04.

⁴ See Office Actions dated 7/1/02 and 6/2/03.

B. Applicant's Evidence.

Applicant provided the Examining Attorney with details of other REGIONS-based marks that the United States Patent and Trademark Office ("USPTO") deemed to be inherently distinctive and registered on the Principal Register, as well as dozens of registrations on the Principal Register (without disclaimer) for terms that are similar in nature to the term "region" (e.g., ORIGIN, ZONE, ORCHARD, COUNTRYSIDE, FARMS, FIELD, PLACE, AREA).⁵ Applicant also called the Examining Attorney's attention to the multiple definitions of the term "regions".⁶

In addition to the issues discussed in this Appeal Brief, Applicant respectfully refers the Board to the arguments and evidence previously submitted to the Examining Attorney in connection with this application. Such arguments and evidence clearly point out the flaws in the Examining Attorney's descriptiveness refusal and demonstrate that REGIONS is not merely descriptive of Applicant's wine.

II. Applicant's Mark is Inherently Distinctive as Applied to the Goods

As discussed below, Applicant's mark REGIONS is inherently distinctive as applied to Applicant's wine. It should be noted that REGIONS is a plural term, thus negating the idea that Applicant's wine is somehow descriptive of any particular region. The term REGIONS also does not describe to consumers anything about the characteristics of Applicant's wine. Rather, the mark REGIONS connotes a sense of adventure and travel to different parts of the world. When viewing Applicant's use of REGIONS on wine, consumers are reminded of multiple far away places and distant lands – not of any particular region in which wine is produced.

⁵ See Response to Office Action dated 5/1/02, Request for Reconsideration dated 12/30/02, and Request to Suspend and Remand dated 11/26/03.

⁶ See Response to Office Action dated 5/1/02.

Furthermore, consumers are likely to perceive Applicant's use of REGIONS as suggesting that Applicant's REGIONS wine is a universal wine that can be shared with – and enjoyed by – people from regions all around the world.

III. Examining Attorney's Contentions.

From the arguments repeated in the Examining Attorney's four office actions, it is apparent that the Examining Attorney erroneously based his refusal on three beliefs: (1) that the term REGIONS is defined as "a specified district or territory"; (2) that many people in the wine industry use the term REGIONS or WINE REGIONS to refer to districts or territories from which wines originate; and (3) that REGIONS is merely descriptive of a feature of Applicant's goods, namely, wines hailing from a certain region. The first two beliefs, even if true, do not prove that Applicant's mark is merely descriptive for wine. The third belief is incorrect – even if Applicant's wine comes from a certain geographic region, that does not make the mark REGIONS merely descriptive of that wine.

Furthermore, the Examining Attorney explained that he was not persuaded by the existence of multiple meanings for the term REGIONS, and he brushed aside the numerous third-party registrations cited by Applicant.

IV. Applicable Law.

Trademark Section 2(e)(1), 15 U.S.C. 1052(e)(1) states: "No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it . . . (e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them"

A trademark is “merely descriptive” if it “describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods.” In re Gyulay, 3 U.S.P.Q. 2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 229 U.S.P.Q. 818 (Fed. Cir. 1986); In re MetPath Inc., 223 U.S.P.Q. 88 (T.T.A.B. 1984); In re Bright-Crest, Ltd., 204 U.S.P.Q. 591 (T.T.A.B. 1979); TMEP section 1209.01(b).

However, a “descriptive” mark must also *immediately* convey information about the qualities, characteristics or features of the product. In re Abcor Development Corp., 200 U.S.P.Q. 215, 217-18 (C.C.P.A. 1978). The immediate idea must be conveyed with a “degree of particularity”; if imagination, thought and perception are required to reach a conclusion as to the nature of the goods, then the term is suggestive rather than descriptive. In re TMS Corporation of the Americas, 200 U.S.P.Q. 57, 59 (T.T.A.B. 1978); In re Gyulay, 3 U.S.P.Q. 2d 1009.

As explained in Section II above, Applicant’s mark REGIONS is inherently distinctive as applied to wine. Additionally, as discussed below, Applicant’s mark REGIONS is not merely descriptive because it does not immediately describe or convey information about, with a degree of particularity, an ingredient, quality, characteristic, function, feature, purpose or use of wine.

V. Descriptive Use in Wine Context Does Not Make Mark Merely Descriptive.

Despite the Examining Attorney’s assertions, the mark REGIONS is not merely descriptive for wine. What does the mark REGIONS, by itself, describe or inform consumers about wine? Nothing. Although the term “regions” is used frequently in the context of wine to refer in a general sense to geographic locales (e.g., “the many wine regions throughout the world”), the mark REGIONS itself does not immediately convey anything about wine.

The Examining Attorney correctly noted that the term REGIONS can be defined as a district or territory, and that wines sometimes are known for the specific territory where they are

made or where the grapes are grown. However, Applicant's mark REGIONS is not the name of a specific territory where wines are made or where grapes are grown. While the name of a particular geographic region could theoretically be descriptive for wine, the general term REGIONS (which does not connote any particular place or area) is not.

Despite the Examining Attorney's statements to the contrary, Applicant's mark does not describe "wines hailing from a certain region," and Applicant's mark does not convey "where the goods originate." In sharp contrast to the Bordeaux or Champagne examples cited by the Examining Attorney (in which cases the names of specific regions are used rather than the general term REGIONS), if a consumer viewed a bottle of wine bearing the REGIONS mark, the consumer would not perceive anything about the wine on account of the REGIONS mark (other than goodwill associated with Applicant's REGIONS mark). The term REGIONS does not describe or indicate where the wine was made or where the grapes were grown. The term REGIONS does not describe or indicate anything about the soil or climate of the relevant vineyards. The term REGIONS does not describe or indicate anything about the function or purpose of the wine. The term REGIONS does not describe or indicate anything about the ingredients, taste or quality of the wine. In sum, the term REGIONS does not describe any characteristic of Applicant's goods.

The Board's decision in In re Orleans Wines, Ltd., 516 U.S.P.Q. at 517 (cited by the Examining Attorney in the second office action to Applicant) further supports Applicant's arguments. In that case, Orleans Wines, Ltd. filed an application to register the mark BREADSPRED for jellies and jams, and the Board correctly held that the mark was merely descriptive. In its decision, the Board noted that the dictionary defined the term "SPREAD" as a food "(as butter, jam, jelly, fruit or peanut butter, or deviled meat) used or made for use to spread

on bread or crackers” and that the “only rational, logical reaction by a normal person to the term ‘BREADSPRED’ when used in association with jellies and jams would in our opinion be a spread made for bread.” In sharp contrast, there is absolutely no mention of wine in the dictionary’s definition of the term REGIONS, and people viewing the term REGIONS in association with wine would not perceive any descriptive message about the wine.

At its core, the Examining Attorney’s refusal and arguments are based on the theory that the term REGIONS is descriptive because wine comes from certain regions. However, every product inevitably comes from some region, and although people use many terms in their general sense (e.g., regions, countryside, orchard) to refer to the type of source of various products, such terms can also be used outside of that general sense as trademarks that do not describe anything about the products on which they are used. If taken to its logical conclusion, the Examining Attorney’s argument would render many marks merely descriptive simply because they are used in their general “dictionary” sense to refer to the source of a product.

Instead, Applicant notes that many such terms have been registered as trademarks on the Principal Register without any disclaimer or claim of acquired distinctiveness despite their frequent use in descriptive manners, including but not limited to the following examples (which the Examining Attorney has elected to disregard):

- ORIGIN – Reg. No. 2798492 for wine;
- TELLURIAN – Reg. No. 2618973 for wine;
- OCEAN STATE – Reg. No. 1851646 for spirits;
- ZONE – Reg. No. 2186191 for vodka-based distilled spirits with added fruit flavors;
- ZONE – Reg. Nos. 2583643 and 2324221 for bowling balls;
- ORCHARD – Reg. No. 0389985 for fresh citrus fruits;

- COUNTRYSIDE – Reg. Nos. 1413524, 1457674 and 1876773 for dairy products and fruit juice drinks;
- FARMS – Reg. No. 1332498 for agricultural publication audience research;
- FIELD – Reg. Nos. 1515604 and 1517319 for meats, cheese, lard and poultry;
- FIELD – Reg. No. 0754816 for seeds and nursery stock;
- PLACE – Reg. No. 2202251 for children's clothes;
- PLACE – Reg. No. 0427455 for cologne;
- AREA – Reg. No. 2622618 for bedding, table linens and curtains;
- LOCATION – Reg. No. 2641969 for a computer program;
- LOCATIONS – Reg. No. 1841311 for magazines for event and party planning;
- SOURCE – Reg. No. 2668049 for tea-based bottled beverages and fruit juice beverages;
- SOURCE – Reg. No. 2480455 for toys;
- SOURCE – Reg. No. 2217426 for non-medicated hair care and skin care preparations;
- SOURCE – Reg. No. 2398203 for various products including drinking flasks and shoes;
- SOURCE – Reg. No. 2118920 for loudspeakers;
- SOURCE – Reg. Nos. 1255764 and 1092632 for dietary food supplements for animal feed;
- SOURCE – Reg. No. 2738375 for services including installation of heating, ventilating, air conditioning, refrigeration and electrical energy controllers;
- ORIGIN – Reg. No. 2779493 for bathtubs;
- SITE – Reg. No. 2690323 for fluorescent luminaires;
- SITE – Reg. No. 2344716 for charge coupled devices;
- SITE – Reg. No. 1667958 for promoting the interests of incentive travel executives;
- CITY – Reg. No. 2623771 for installation, maintenance and repair of electrical wiring;

- CITIES – Reg. No. 2237584 for furniture;
- CITIES – Reg. No. 1208597 for footwear;
- STATE – Reg. No. 2489956 for cigarettes, tobacco and tobacco products;
- STATE – Reg. No. 2662408 for water heaters;
- STATES – Reg. Nos. 1965774 and 1016751 for electrical power distribution and substation equipment;
- DERIVATION – Reg. No. 2782061 for equipment for playing a word game;
- VALLEY – Reg. No. 2654343 for contract food services;
- NEIGHBORHOOD – Reg. No. 2395400 for sportswear and sporting goods;
- CONTINENT – Reg. No. 2089295 for printing presses;
- VICINITY – Reg. Nos. 2159691 and 2506043 for computer services;
- LOCALITY – Reg. Nos. 2608550 and 2598574 for information services;
- REALM – Reg. Nos. 1975469 and 1867411 for cologne, eau de toilette and eau de perfume;
- QUARTERS – Reg. No. 2042168 for clothing;
- COUNTY – Reg. No. 0960343 for tractors;
- PROVINCE – Reg. No. 2725927 for luggage;
- PROVINCE – Reg. No. 2238347 for mattresses;
- JARDIN (translated as GARDEN) – Reg. No. 2051062 for fruit nectars and fruit juices;
- JARDIN (translated as GARDEN) – Reg. Nos. 2647776 and 2577111 for garden furniture;
- LA VINA (translated as THE VINEYARD) – Reg. No. 0973518 for a wine sauce for cooking;
- COUNTRY COCKTAILS – Reg. No. 1758656 for cordials;
- HILL COUNTRY CELLARS – Reg. No. 1658713 for wines;

- MOUNTAIN COUNTRY CELLARS – Reg. No. 2105450 for wines;
- SUN COUNTRY – Reg. No. 1357084 for wine coolers;
- LAKE COUNTRY – Reg. No. 1080563 for wine;
- CAPE COUNTRY – Reg. No. 2299953 for wines;
- COUNTRY DAWN – Reg. No. 1155029 for wines;
- THE COUNTRY VINTNER – Reg. No. 2281386 for and import agency and wholesale distributorship featuring wine, beer, water, drink mixes, cork screws and menu covers; and
- COUNTRY KWENCHER – Reg. No. 1840815 for wines.

Such registrations illustrate that these types of marks can be registrable and can be used in a non-descriptive manner even though the terms are often used in a descriptive fashion in reference to the origin of such types of products. See also Sally Beauty Co., Inc. v. Beautyco, Inc., 64 U.S.P.Q. 2d 1321, 1327 (10th Cir. 2002) (explaining that “[m]erely because a producer manufactures goods which feature the word ‘generic,’ however, does not render the trademark itself generic. . . . [T]he ‘Generic Value Products’ mark does not, by its terms, describe hair care products.”).

Additionally, even with respect to the mark REGIONS itself, the United States Patent and Trademark Office has on several occasions determined that the marks REGION and REGIONS are not merely descriptive, as evidenced by the following registrations without any disclaimer or claim of acquired distinctiveness for the term REGION or REGIONS:

- REGIONS – Reg. Nos. 1881600 and 1914267 for banking services (despite the fact that the type of banking services available may be based on a particular region);
- REGIONS – Reg. No. 2175755 for medical services (despite the fact that medical services are typically offered through hospitals located in particular regions);

- REGION – Reg. No. 2583861 for clothing (despite the fact that clothing comes from a particular region and is typically designed to fit the needs and styles of a particular region); and
- SAVOR THE REGIONS – Reg. No. 2064574 for a televised cooking instruction show (despite the fact that such shows typically explore the cooking techniques and recipes of particular regions).

Although the Examining Attorney has maintained that “third-party registrations are not conclusive on the question of descriptiveness”, Applicant has previously pointed out to the Examining Attorney (see Applicant’s Response to Office Action dated May 1, 2002) that the Board has held that third-party registrations with the same or similar term are entitled to some weight in determining whether a term should be disclaimed as descriptive. See In re Fairfield Laboratories, Inc., 144 U.S.P.Q. 452, 453 (T.T.A.B. 1964).

Furthermore, the above third-party registrations illustrate another flaw in the Examining Attorney’s reasoning. The Examining Attorney attempted to demonstrate that REGIONS is merely descriptive because the Lexis/Nexis database contained more than 1000 stories in which the term “region” (not in plural form) was located within one term of the word “wine”. However, as Applicant pointed out to the Examining Attorney in its Response to Office Action dated May 1, 2002, the USPTO has registered numerous COUNTRY and STATE marks for wine on the Principal Register without disclaimer, and yet the Lexis/Nexis database contained more than 1000 stories in which the terms “country” and “state” were located within one term of the word “wine”.

The fundamental legal error committed by the Examining Attorney, however, was his failure to tether Applicant’s mark directly to the goods. “[I]t is well established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork, but in relation to the goods or services for which registration is sought, the context in

which the mark is used or intended to be used, and the impact that it is likely to make on the average purchaser of such goods or services.” In re Remacle, 66 U.S.P.Q. 2d 1222, 1224 (T.T.A.B. 2002) quoting In re Recovery, 196 U.S.P.Q. 830 (T.T.A.B. 1977); TMEP section 1209.01(b). When considering whether a term or mark is descriptive, the Examining Attorney must consider the issue of descriptiveness in relation to the identified goods as purchased or used by the relevant public, not in the abstract. In re Omaha National Corp., 2 U.S.P.Q. 2d 1859 (Fed. Cir. 1987); In re Abcor Development Corp., 200 U.S.P.Q. 215 (C.C.P.A. 1978).

The Examining Attorney erroneously considered the REGIONS mark in the abstract and only in a general sense rather than with an immediate application and reference to Applicant’s wine. The Examining Attorney also provided no evidence that REGIONS is used or would be recognized as having a definite and readily understood meaning *in relation to Applicant’s identified goods*. Consequently, the Examining Attorney has failed to meet the required legal standard for refusing the mark as merely descriptive.

VI. Granting Registration Does Not Prevent Descriptive Use.

The above-identified third-party registrations also demonstrate that granting registration for Applicant’s REGIONS mark will not hinder or prevent others from using that term in a descriptive non-trademark fashion. Certainly the terms COUNTRY, STATE, ORIGIN, ZONE, ORCHARD, COUNTRYSIDE, FARMS, FIELD, PLACE, SOURCE, SITE, LOCATION, AREA, CITY, DERIVATION, VALLEY, NEIGHBORHOOD, CONTINENT, COUNTY, PROVINCE, GARDEN and VINEYARD have not been removed from the lexicon simply because someone was permitted to register those terms as trademarks.

Similarly, despite the Examining Attorney’s stated fear that “[g]ranting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively

inform consumers of a significant factor concerning the goods,” registering REGIONS for wine will not affect other people’s right to use the term “regions” in a descriptive sense. Applicant will be uniquely using REGIONS as a trademark to refer to its wine, while others will be free to continue to use the term “regions” to refer to a geographic locale (e.g., as part of the phrase “wine regions” as shown in nearly all of the Examining Attorney’s evidence). Even if other entities will not be permitted to name their wines REGIONS and use REGIONS as a brand name for their wines, they will nonetheless still be able to use the term “regions” to discuss wine growing regions or to effectively inform consumers that their wines comes from particular regions.

VII. Facts Support Allowance, Not Refusal.

A. Examining Attorney Has Not Met Required Evidentiary Burden.

“The PTO has the burden of proving that a trademark falls within a prohibition of § 1052.” In re Mavety, 31 U.S.P.Q. 2d 1923, 1925 (Fed. Cir. 1994) (vacating TTAB affirmance of refusal to register). Furthermore, the Examining Attorney bears the burden of establishing that a mark is merely descriptive. In re Remacle, 66 U.S.P.Q. 2d 1222 (T.T.A.B. 2002).

As in the Remacle case, the present situation necessitates the finding that, “[b]ased on the record before us, we cannot conclude that [the mark] is merely descriptive in connection with the identified goods and services. There is little evidence in this record that is *clearly relevant to Applicant’s identified goods* The Examining Attorney has the burden of establishing that the mark is merely descriptive, and that burden has not been met.” Id. at 1224 (emphasis added).

B. Examining Attorney’s Evidence Is Not Probative of Descriptiveness.

As set forth above, the Examining Attorney’s evidence of descriptive use of the terms “region” and “regions” in the context of wine is not probative of whether the mark REGIONS is

merely descriptive of wine. The Examining Attorney has not proven how other's use of "region" or "regions", to refer to named places where wine or other products are produced, means that REGIONS describes anything about Applicant's wine.

C. Examining Attorney Has Ignored the Significance of the Plural Form of the Mark.

As mentioned above, the mark REGIONS is in the plural form; the Examining Attorney, however, has ignored the significance of that plural form. While every product comes from some region, a single product generally does not come from multiple regions, and consumers that view Applicant's REGIONS mark on a bottle of wine are unlikely to believe that the bottle of Applicant's wine comes from multiple regions. Accordingly, this again demonstrates that the mark REGIONS does not immediately describe or convey to consumers anything about Applicant's wine.

VIII. Doubts Regarding Descriptiveness Should Be Resolved in Applicant's Favor.

To the extent that Applicant's arguments raise doubts on the issue of whether the mark REGIONS is descriptive, the law is clear that such doubts "should be resolved in applicant's behalf" In re Aid Laboratories, Inc., 221 U.S.P.Q. 1215, 1216 (T.T.A.B. 1983); In re American Hospital Supply Corp., 219 U.S.P.Q. 949 (T.T.A.B. 1983); In re Gourmet Bakers, Inc., 173 U.S.P.Q. 565 (T.T.A.B. 1972). Therefore, if there remain any doubts about whether the mark REGIONS is descriptive of wine, then the Board should decide in favor of Applicant and permit registration of its REGIONS mark.

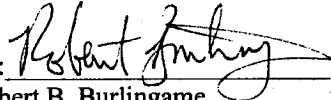
* * *

Applicant therefore respectfully requests that the Board grant this appeal and permit registration of Applicant's REGIONS mark. Thank you.

Dated: April 13, 2004

Respectfully submitted,

WINERY EXCHANGE, INC.

By: 

Robert B. Burlingame
PILLSBURY WINTHROP LLP
50 Fremont Street
P.O. Box 7880
San Francisco, CA 94105
(415) 983-1274
sftrademarks@pillsburywinthrop.com

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 20, 2004

In re Winoryexchange.com

Serial No. 76242955

Filed: 04/17/2001

ROBERT B. BURLINGAME
CALENDAR/DOCKETING DEPT.
PILLSBURY WINTHROP LLP PO BOX 7880
SAN FRANCISCO, CA 94120-7880

Amy Matelski, Paralegal Specialist

Applicant's brief filed April 16, 2004 is noted and the application file is forwarded herewith to the Trademark Examining Attorney for his/her brief in accordance with Trademark Rule 2.142(b).

A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.

Trademark/Service Extension of Time

Page 1 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

SOU Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76242955
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
STANDARD CHARACTERS	NO
LITERAL ELEMENT	REGIONS
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Robert B. Burlingame
ATTORNEY SECTION (proposed)	
NAME	Robert B. Burlingame
DOCKET NUMBER	063914/0305034/JMS/RBB
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
GOODS AND/OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	11/30/2004
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	

Trademark/Service Extension of Time

Page 2 of 4

SIGNATURE	/per Oliver Colvin/
SIGNATORY NAME	Robert B. Burlingame
SIGNATORY POSITION	Attorney
DATE SIGNED	05/27/2005
FILING INFORMATION	
SUBMIT DATE	Fri May 27 14:46:51 EDT 2005
TEAS STAMP	USPTO/ESU-204.227.255.10- 20050527144651442172-7624 2955-2504e898e895ada2a6b8 722ff3a5338dd-DA-1659-200 50527143844621358

Trademark/Service Extension of Time

Page 3 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0851-0054 (Exp. 11/30/2008)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: REGIONS**SERIAL NUMBER: 76242955**

The applicant, WINERY EXCHANGE, INC., having an address of 35 LEVERONI CRT. STE. 100, NOVATO, California United States 94949, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/30/2004.

For International Class: 033, the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

This is the first extension request.

The applicant hereby appoints Robert B. Burlingame to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 063914/0305034/JMS/RBB.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /per Oliver Colvin/ Date Signed: 05/27/2005

Signatory's Name: Robert B. Burlingame

Signatory's Position: Attorney

RAM Sale Number: 1659

RAM Accounting Date: 05/27/2005

Serial Number: 76242955

Internet Transmission Date: Fri May 27 14:46:51 EDT 2005

TEAS Stamp: USPTO/ESU-204.227.255.10-200505271446514

42172-76242955-2504e898e895ada2a6b8722ff

Trademark/Service Extension of Time

Page 4 of 4

3a5338dd-DA-1659-20050527143844621358

Trademark/Service Extension of Time

Page 1 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

SOU Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76242955
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
STANDARD CHARACTERS	NO
LITERAL ELEMENT	REGIONS
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Robert B. Burlingame
ATTORNEY SECTION (proposed)	
NAME	Robert B. Burlingame
DOCKET NUMBER	063914/0305034/JMS/RBB
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
GOODS AND/OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	2
ONGOING EFFORT	continuing market research and product development
ALLOWANCE MAIL DATE	11/30/2004
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

Trademark/Service Extension of Time

Page 2 of 4

SIGNATURE SECTION	
SIGNATURE	/per Oliver Colvin/
SIGNATORY NAME	Robert B. Burlingame
SIGNATORY POSITION	Attorney
DATE SIGNED	11/17/2005
FILING INFORMATION	
SUBMIT DATE	Thu Nov 17 19:58:52 EST 2005
TEAS STAMP	USPTO/ESU-204.227.255.18- 20051117195852521732-7624 2955-320d712696e36c61b58a c698fe7d7820af-DA-795-200 51117194423725337

Trademark/Service Extension of Time

Page 3 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: REGIONS

SERIAL NUMBER: 76242955

The applicant, WINERY EXCHANGE, INC., having an address of 35 LEVERONI CRT. STE. 100, NOVATO, California United States 94949, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/30/2004.

For International Class: 033, the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

This is the second extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: continuing market research and product development.

The applicant hereby appoints Robert B. Burlingame to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 063914/0305034/JMS/RBB.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /per Oliver Colvin/ Date Signed: 11/17/2005

Signatory's Name: Robert B. Burlingame

Signatory's Position: Attorney

RAM Sale Number: 795

RAM Accounting Date: 11/18/2005

Serial Number: 76242955

Internet Transmission Date: Thu Nov 17 19:58:52 EST 2005

Trademark/Service Extension of Time

Page 4 of 4

TEAS Stamp: USPTO/ESU-204.227.255.18-200511171958525
21732-76242955-320d712696e36c61b58ac698f
e7d7820af-DA-795-20051117194423725337

TEAS ROUTING SHEET**To: INTENT TO USE UNIT****Work Loc: INTENT TO USE SECTION****Doc Type: Extension Request for SOU (ESU)****Serial Number: 76242955****Mark: REGIONS****Mail Date: 2005/11/17****Examiner Number: 73712****Examiner Name:
TURNER, JASON FITZGERA****L.O. Assigned: LAW OFFICE 108****Special Instruction(s):**

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20051117	\$150	1	\$150

Trademark/Service Extension of Time

Page 1 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

SOU Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76242955
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
STANDARD CHARACTERS	NO
LITERAL ELEMENT	REGIONS
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Robert B. Burlingame
ATTORNEY SECTION (proposed)	
NAME	Robert B. Burlingame
DOCKET NUMBER	063914/0305034/JMS/RBB
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
GOODS AND/OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	3
ONGOING EFFORT	continuing market research and product development
ALLOWANCE MAIL DATE	11/30/2004
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

Trademark/Service Extension of Time

Page 2 of 4

SIGNATURE SECTION	
SIGNATURE	/per Oliver Colvin/
SIGNATORY NAME	Robert B. Burlingame
SIGNATORY POSITION	Attorney
DATE SIGNED	04/10/2006
FILING INFORMATION	
SUBMIT DATE	Mon Apr 10 19:53:49 EDT 2006
TEAS STAMP	USPTO/ESU-204.227.255.18- 20060410195349233308-7624 2955-32020bf638e13b353e38 6816975ad6f-DA-817-200604 10191314015297

Trademark/Service Extension of Time

Page 3 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: REGIONS

SERIAL NUMBER: 76242955

The applicant, WINERY EXCHANGE, INC., having an address of 35 LEVERONI CRT. STE. 100, NOVATO, California United States 94949, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/30/2004.

For International Class: 033, the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

This is the third extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: continuing market research and product development.

The applicant hereby appoints Robert B. Burlingame to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 063914/0305034/JMS/RBB.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /per Oliver Colvin/ Date Signed: 04/10/2006

Signatory's Name: Robert B. Burlingame

Signatory's Position: Attorney

RAM Sale Number: 817

RAM Accounting Date: 04/11/2006

Serial Number: 76242955

Internet Transmission Date: Mon Apr 10 19:53:49 EDT 2006

Trademark/Service Extension of Time

Page 4 of 4

TEAS Stamp: USPTO/ESU-204.227.255.18-200604101953492
33308-76242955-32020bf638e13b353e3868169
75ad6f-DA-817-20060410191314015297

TEAS ROUTING SHEET**To: INTENT TO USE UNIT****Work Loc: INTENT TO USE SECTION****Doc Type: Extension Request for SOU (ESU)****Serial Number: 76242955****Mark: REGIONS****Mail Date: 2006/04/10****Examiner Number: 73712****Examiner Name:**
TURNER, JASON FITZGERA**L.O. Assigned: LAW OFFICE 108****Special Instruction(s):**

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20060410	\$150	1	\$150

Trademark/Service Extension of Time

Page 1 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

SOU Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76242955
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
STANDARD CHARACTERS	NO
LITERAL ELEMENT	REGIONS
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Robert B. Burlingame
DOCKET NUMBER	0639140/0305
ATTORNEY SECTION (proposed)	
NAME	Robert B. Burlingame
DOCKET NUMBER	063914/0305034/JMS/RBB
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
GOODS AND/OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	4
ONGOING EFFORT	product or service research development;market research
ALLOWANCE MAIL DATE	11/30/2004
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1

Trademark/Service Extension of Time

Page 2 of 4

SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/per Oliver Colvin/
SIGNATORY NAME	Robert B. Burlingame
SIGNATORY POSITION	Attorney
DATE SIGNED	11/22/2006
FILING INFORMATION	
SUBMIT DATE	Wed Nov 22 18:32:16 EST 2006
TEAS STAMP	USPTO/ESU-204.227.255.18- 20061122183217014557-7624 2955-3409d37b31a63fec2a19 7e520095fdfa35-DA-922-200 61122180941494839

Trademark/Service Extension of Time

Page 3 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: REGIONS
SERIAL NUMBER: 76242955

The applicant, WINERY EXCHANGE, INC., having an address of 35 LEVERONI CRT. STE. 100, NOVATO, California United States 94949, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/30/2004.

For International Class: 033, the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

This is the fourth extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: product or service research development; market research.

The applicant hereby appoints Robert B. Burlingame to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 063914/0305034/JMS/RBB.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /per Oliver Colvin/ Date Signed: 11/22/2006
Signatory's Name: Robert B. Burlingame
Signatory's Position: Attorney

RAM Sale Number: 922
RAM Accounting Date: 11/24/2006

Serial Number: 76242955
Internet Transmission Date: Wed Nov 22 18:32:16 EST 2006

file://\\tcrs-ais-01\ticrsexport\HmlToTiffInput\ESU00012007_07_11_08_46_28_WS131... 7/11/2007

Trademark/Service Extension of Time

Page 4 of 4

TEAS Stamp: USPTO/ESU-204.227.255.18-200611221832170
14557-76242955-3409d37b31a63fec2a197e520
095fdfa35-DA-922-20061122180941494839

Trademark/Service Extension of Time

Page 1 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

SOU Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76242955
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
STANDARD CHARACTERS	NO
LITERAL ELEMENT	REGIONS
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Robert B. Burlingame
DOCKET NUMBER	0639140/0305
ATTORNEY SECTION (proposed)	
NAME	Robert B. Burlingame
DOCKET NUMBER	063914/0305034/JMS/RBB
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
GOODS AND/OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	5
ONGOING EFFORT	product or service research development;market research
ALLOWANCE MAIL DATE	11/30/2004
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1

Trademark/Service Extension of Time

Page 2 of 4

SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/per Oliver Colvin/
SIGNATORY NAME	Robert B. Burlingame
SIGNATORY POSITION	Attorney
DATE SIGNED	05/25/2007
FILING INFORMATION	
SUBMIT DATE	Fri May 25 15:28:38 EDT 2007
TEAS STAMP	USPTO/ESU-204.227.255.18- 20070525152838395354-7624 2955-360e9c1bbb4df7f51408 a168bb82bedbd-DA-561-2007 0525144914826162

Trademark/Service Extension of Time

Page 3 of 4

PTO Form 1581 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: REGIONS

SERIAL NUMBER: 76242955

The applicant, WINERY EXCHANGE, INC., having an address of 35 LEVERONI CRT. STE. 100, NOVATO, California United States 94949, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/30/2004.

For International Class: 033, the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

This is the fifth extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: product or service research development; market research.

The applicant hereby appoints Robert B. Burlingame to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 063914/0305034/JMS/RBB.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /per Oliver Colvin/ Date Signed: 05/25/2007

Signatory's Name: Robert B. Burlingame

Signatory's Position: Attorney

RAM Sale Number: 561

RAM Accounting Date: 05/29/2007

Serial Number: 76242955

Internet Transmission Date: Fri May 25 15:28:38 EDT 2007

Trademark/Service Extension of Time

Page 4 of 4

TEAS Stamp: USPTO/ESU-204.227.255.18-200705251528383
95354-76242955-360e9c1bbb4df7f51408a168b
b82bedbd-DA-561-20070525144914826162

*** User: jturner ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	0	0	0	0	0:01	"wineryexchange"[on]
02	10	0	10	10	0:01	"wineryexchange.com"[on]
03	501	N/A	0	0	0:07	*r{"iey"}{"gj"}{"iey"}{v)n*[bi,t i]
04	311	0	311	311	0:01	3 not dead

Session started 11/1/01 8:10:52 PM
Session finished 11/1/01 8:16:27 PM
Total search duration 0:10 minutes
Session Duration 5:35 minutes

Default NEAR limit= 1 ADJ limit= 1

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB - 2 2004

SERIAL NO: 76/242955

APPLICANT: Wineryexchange.com

CORRESPONDENT ADDRESS:

Robert B. Burlingame
PILLSBURY WINTHROP LLP
PO BOX 7880
SAN FRANCISCO, CA 94120-7880

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom108@uspto.gov

MARK: REGIONS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RE: Serial Number 76/242955

The applicant is requesting reconsideration for a final refusal dated 7/01/02. The examining attorney has carefully reviewed this second request for reconsideration and has determined that no new facts or reasons have been presented that are significant or compelling with regard to the point at issue. Accordingly, the final action is maintained as written and the request for reconsideration is *denied*. 37 C.F.R. §2.64(b); TMEP §715.03(c). Once this action is mailed, the change of name will be entered and the application will be returned to the Board for resumption of the appeal process.

Refusal is Maintained

Registration was refused under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), because the proposed mark is merely descriptive of the identified goods. The applicant's proposed mark is "REGIONS" for wine. The applicant submits in the request for reconsideration that a third party registration for different mark illustrates that the proposed mark should be allowed in this instance. The examining attorney has considered the applicant's argument carefully but has found it unpersuasive. For the reasons below, the FINAL refusal under Section 2(e)(1) is maintained.

As the Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1) states:

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it . . .
 (e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them

The proposed mark "region" is defined as a specified district or territory.¹ A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP section 1209.01(b). As applied to the goods, the term appears to be descriptive of an important aspect of the goods, namely, the district or territory where the goods originate. In fact, some wines are named for the region from which they originate. For example, like "Bordeaux" mentioned in the previous Office action, "Champagne" is defined as "a sparkling white wine produced in Champagne,"² and as "A historical *region* and former province of northeast France. It was incorporated into the French royal domain in 1314. The sparkling wine champagne was first produced here c. 1700 (bold and italics added)."³ Accordingly, the term "region" appears to describe a rather important feature of wine.

The applicant argues and submits various third party registrations which utilize different location terms or the proposed mark in question (with different goods) to illustrate why the proposed mark is allowable. However, as previously stated, third-party registrations are not conclusive on the question of descriptiveness. The examining attorney must consider each case on its own merits. A mark which is merely descriptive is not registrable merely because other similar marks appear on the register. *In re Sun Microsystems Inc.*, 59 USPQ2d 1084 (TTAB 2001). TMEP §1209.03(a).

The examining attorney submits that the mark both immediately conveys and describes a characteristic of the applicant's goods, namely, a commonly used term identifying where the wine originates. *In re Orleans Wines, Ltd.*, 196 USPQ 516 (TTAB 1977). It should be noted that it is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods or services to be merely descriptive. It is enough if the term describes an attribute of the goods, as it clearly does in this instance. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223

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USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973); *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987). The region from which the wine originates appears to be a significant consideration in the taste, texture and ultimate selection of wine. Granting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively inform consumers of a significant factor concerning the goods.

Please see the attached additional articles and internet evidence further illustrating descriptive use of the term "regions" in identifying and describing a significant aspect of wines. A Lexis search for news articles containing "wine regions" found over three thousand stories. A focused search for the term in news articles of the last week found several examples (see attached). Based on the above, the mark can not be registered on the Principal Register as it is merely descriptive of a characteristic of the identified goods. The application file will be returned to the Trademark Trial and Appeal Board for resumption of the appeal.

/Jason F. Turner/
Examining Attorney
Law Office 108
(703) 308-9108 Ext. 247
(703) 746-8108 (Fax)
ecom108@uspto.gov
(703) 305-8747 (Status)

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecrep.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

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Print Request: Selected Document(s): 1-3,6-11,14,16,18

Time of Request: January 31, 2004 07:33 PM EST

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Job Number: 1822:0:2739417

Client ID/Project Name:

Research Information:

US Newspapers
"wine regions"

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1 of 18 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

January 30, 2004, Friday, Late Edition - Final

SECTION: Section F; Page 1; Column 3; Escapes

LENGTH: 70 words

HEADLINE: DAY TRIPS;
No Wine in Antarctica; Try the Finger Lakes

BODY:

...Freezing rain? Arctic windchills? It's a great time to visit the not-too-crowded tasting rooms of the Finger Lakes wine region. Among the offerings is proof that winter's cruel weather has a bright side: ice wine, a sweet amber nectar ...

2 of 18 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

January 30, 2004, Friday, Late Edition - Final

SECTION: Section F; Page 8; Column 1; Escapes

LENGTH: 1186 words

HEADLINE: DAY TRIPS;
In the Finger Lakes, the Sweet Taste of Winter

BYLINE: By TATIANA BONCOMPAGNI

BODY:

...winter, the ice wine season can mean an intimate look inside the operations of one of New York's prime wine regions. During the winter months almost a dozen wineries, many of them family owned and operated, are in the process of picking, pressing and ...

...so there would be room to cart all the cases home to Long Island. "The vidal blanc is outrageous," Ms. Seltzer said of her favorite wine from the region.

But it's ice wine that is increasingly putting the Finger Lakes region on the wine map. In the last three ...

3 of 18 DOCUMENTS

Copyright 2004 The Times-Picayune Publishing Company
Times-Picayune (New Orleans, LA)

January 29, 2004 Thursday

SECTION: FOOD; Pg. 90

LENGTH: 610 words

HEADLINE: SCOOP DU JOUR

BODY:

...Ridge Coastal Vines Cabernet (\$10)

This Napa Ridge wine isn't from Napa -- or anywhere close to California's most famous wine region -- but it is, nevertheless, a solid value in red wine. It's a medium-bodied wine with intense ...

6 of 18 DOCUMENTS

Copyright 2004 The Commercial Appeal, Inc.
The Commercial Appeal (Memphis, TN)

January 28, 2004 Wednesday Final Edition

SECTION: APPEAL; Pg. E5

LENGTH: 721 words

HEADLINE: WHAT TO DO WITH THAT FUNKY BOTTLE? TAKE IT BACK

BYLINE: Leslie Kelly kelly@commercialappeal.com

BODY:

...Vin Expo. I've worked on grape harvests in Walla Walla, Wash., and toured California's most famous wine regions.

Though I've sampled my way through thousands of bottles and interviewed scores of winemakers and growers, I don't consider ...

7 of 18 DOCUMENTS

Copyright 2004 DR Partners d/b Las Vegas Review-Journal
Las Vegas Review-Journal (Nevada)

January 28, 2004 Wednesday FINAL EDITION

SECTION: E; Pg. 1E

LENGTH: 647 words

HEADLINE: TASTE OF THE TOWN: Lutefisk season returns

BYLINE: Heidi Knapp Rinella

BODY:

...Wine' (reading a wine list, buying wine, and food and wine pairings); March 13, 'North and South American Wine Regions'; April 3, 'How Wine is Created'; May 8, 'European Wine Regions'; and June 5, 'The New World Wine Regions.' Each session will include two hours of theory and one hour of wine tasting with cheese and crackers. To register, call ...

8 of 18 DOCUMENTS

Copyright 2004 The Times Mirror Company; Los Angeles Times
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Los Angeles Times

January 28, 2004 Wednesday
Home Edition

SECTION: FOOD; Features Desk; Part F; Pg. 3

LENGTH: 78 words

HEADLINE: For the record

BODY:

Wine region -- An article in last week's Food section about wines from the Russian River Valley incorrectly stated that in the ...

9 of 18 DOCUMENTS

Copyright 2004 Bergen Record Corporation
The Record (Bergen County, NJ)

January 28, 2004 Wednesday All Editions

SECTION: FOOD; WINE TALK; Pg. F02

LENGTH: 839 words

HEADLINE: 3 plans for the big day

BYLINE: ROBERT WHITLEY

BODY:

...knowledge. At northbay.com, you will find a wealth of information about food and wine in the North Coast wine regions of Napa, Sonoma, and Mendocino.

* * *

Robert Whitley is a nationally syndicated wine columnist and radio host. Send questions to Wine ...

10 of 18 DOCUMENTS

Copyright 2004 McClatchy Newspapers, Inc.
Sacramento Bee

January 28, 2004, Wednesday METRO FINAL EDITION

SECTION: TASTE; Pg. F9; APPETIZERS

LENGTH: 686 words

HEADLINE: A bit of Ambrosia downtown

BYLINE: Mike Dunne

BODY:

...business eventually. They've bought the shuttered Sportsman in downtown Plymouth, gateway to the Shenandoah Valley. The area, for a wine region, is surprisingly shy of creative, upscale restaurants. The Berkners could change that, but for now they are undecided about what to do with the place.

"We're figuring ...

11 of 18 DOCUMENTS

Copyright 2004 San Antonio Express-News
San Antonio Express-News (Texas)

January 28, 2004, Wednesday , METRO

SECTION: FOOD; Pg. 2F

LENGTH: 157 words

HEADLINE: Q&A

...upbringing." On a wine label, it refers to the aging that the wine received. The time varies according to the rules of each wine region. If a wine region (called a DO, for denominacion de origen) doesn't have its own rules, a crianza wine must be aged at ...

14 of 18 DOCUMENTS

Copyright 2004 Star-Telegram Newspaper, Inc.
Fort Worth Star Telegram (Texas)

January 26, 2004, Monday FINAL EDITION

SECTION: METRO; Pg. 5B

LENGTH: 317 words

HEADLINE: 10 MINUTES WITH ... CHRISTOPHE PANIAGUA

BYLINE: PUNCH SHAW; Star-Telegram Staff Writer

BODY:

Christophe Paniagua, a 16-year-old exchange student from Bourdeaux, France, a small town, not the wine region, which is spelled without a u. At the Stock Show, he is showing hogs owned by his host Freddy Helmuth, who ...

16 of 18 DOCUMENTS

Copyright 2004 The Miami Herald
All Rights Reserved
The Miami Herald

January 25, 2004 Sunday F1TR EDITION

SECTION: J; Pg. 10

LENGTH: 865 words

HEADLINE: LUXURY IN AFRICA

BODY:

...800-223-6800; www.orient-express.com

* Spier Estate: Located near Cape Town in the Stellenbosch wine region, Spier estate combines upscale lodging and dining with expansive grounds, summer arts programs and cheetah conservation programs. Activities ...

18 of 18 DOCUMENTS

Copyright 2004 The Wichita Eagle
All Rights Reserved
The Wichita Eagle

January 25, 2004 Sunday MAIN EDITION

SECTION: H; BRIEF; Pg. 1

LENGTH: 752 words

HEADLINE: South African summer deals

BODY:

Cape Town great escape

From the natural beauty of Table Mountain to the famous wine region, there's never been a better time to visit Cape Town. The \$1,550 price tag includes round-trip airfare from Atlanta or ...

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***** Print Completed *****

Time of Request: January 31, 2004 07:33 PM EST

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: February 13, 2004

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

Robert B. Burlingame
PILLSBURY WINTHROP LLP
PO BOX 7880
SAN FRANCISCO, CA 94120-7880

Amy King, Paralegal Specialist

In view of the decision by the Trademark Examining Attorney on February 2, 2004, the appeal is resumed; and applicant is allowed until sixty days from the date hereof in which to file its brief herein. A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 20, 2004

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

ROBERT B. BURLINGAME
CALENDAR/DOCKETING DEPT.
PILLSBURY WINTHROP LLP PO BOX 7880
SAN FRANCISCO, CA 94120-7880

Amy Matelski, Paralegal Specialist

Applicant's brief filed April 16, 2004 is noted and the application file is forwarded herewith to the Trademark Examining Attorney for his/her brief in accordance with Trademark Rule 2.142(b).

A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 20, 2004

In re Wineryexchange.com

Serial No. 76242955

Filed: 04/17/2001

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CALENDAR/DOCKETING DEPT.
PILLSBURY WINTHROP LLP PO BOX 7880
SAN FRANCISCO, CA 94120-7880

Amy Matelski, Paralegal Specialist

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A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

Aug 18, 2004

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|-------------------------------------|--|
| 1. Serial No.:
76/242,955 | 2. Mark:
REGIONS |
| 3. International Class(es):
33 | |
| 4. Publication Date:
Sep 7, 2004 | 5. Applicant:
WINERY EXCHANGE, INC. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

ROBERT B. BURLINGAME
CALENDAR/DOCKETING DEPT.
PILLSBURY WINTHROP LLP
PO BOX 7880
SAN FRANCISCO, CA 94120-7880

TMP&I

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 703-746-3400. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Nov 30, 2004

ROBERT B. BURLINGAME
CALENDAR/DOCKETING DEPT.
PILLSBURY WINTHROP LLP
PO BOX 7880
SAN FRANCISCO, CA 94120-7880

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/242955
MARK: REGIONS
OWNER: WINERY EXCHANGE, INC.
35 LEVERONI CRT. STE. 100
NOVATO, CALIFORNIA 94949

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO


GOODS/SERVICES BY INTERNATIONAL CLASS

033 - Wine

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS


Side - 1

	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILING DATE: Jun 1, 2005
<p>A Notice of Allowance issued for the trademark application identified below on Nov 30, 2004. The FIRST request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.</p>	
<p>For further information, visit our website at: http://www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.</p>	
<p>SERIAL NUMBER: 76242955 MARK: REGIONS OWNER: WINERY EXCHANGE, INC.</p>	

Side - 2

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Side - 1

	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILING DATE: Dec 2, 2005
<p>A Notice of Allowance issued for the trademark application identified below on Nov 30, 2004. The SECOND request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.</p>	
<p>For further information, visit our website at: http://www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.</p>	
<p>SERIAL NUMBER: 76242955 MARK: REGIONS OWNER: WINERY EXCHANGE, INC.</p>	

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**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: Apr 27, 2006**

A Notice of Allowance issued for the trademark application identified below on Nov 30, 2004. The THIRD request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76242955
MARK: REGIONS
OWNER: WINERY EXCHANGE, INC.


Side - 2

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	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILING DATE: Nov 24, 2006
<p>A Notice of Allowance issued for the trademark application identified below on Nov 30, 2004. The FOURTH request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.</p>	
<p>For further information, visit our website at: http://www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.</p>	
<p>SERIAL NUMBER: 76242955 MARK: REGIONS OWNER: WINERY EXCHANGE, INC.</p>	

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	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILING DATE: May 29, 2007
<p>A Notice of Allowance issued for the trademark application identified below on Nov 30, 2004. The FIFTH request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.</p>	
<p>For further information, visit our website at: http://www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.</p>	
<p>SERIAL NUMBER: 76242955 MARK: REGIONS OWNER: WINERY EXCHANGE, INC.</p>	

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Wine Education and Certification Programs

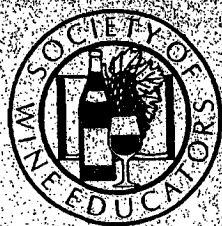
CERTIFIED WINE SPECIALIST Study Guide



An Educational Resource
Published by The Society of Wine Educators

Table of Contents

CERTIFIED WINE SPECIALIST Study Guide



UNIT ONE

VITICULTURE AND GRAPE VARIETIES

- 1 Viticulture
- 2 White Grape Varieties
- 3 Red Grape Varieties

UNIT TWO

WINE PRODUCTION

- 4 Fermentation and Still Wine Production
- 5 Sparkling Wine Production
- 6 Fortified Wine Production

UNIT THREE: WINE REGIONS

- 7 The United States
- 8 France
- 9 Italy
- 10 Spain and Portugal
- 11 Germany and Austria
- 12 The Southern Hemisphere

UNIT FOUR: WINE TASTING

- 13 Wine Composition and Chemistry
- 14 Wine Tasting and Faults
- 15 The Physiology of Taste

UNIT FIVE:

ADDITIONAL RESOURCES

- 16 Wine and Health
- 17 Wine Etiquette and Service
- 18 How to Read a Wine Label

Conversions

Study Questions

Bibliography and Supplementary Reading

PREFACE

Advancing wine education through professional development and certification: this is the mission of the Society of Wine Educators (SWE). The *Certified Wine Specialist Study Guide*, the first of its type published by SWE, is living proof of this mission. The purpose of SWE's educational programs and this guide in particular are to:

- assist wine professionals in becoming better at what they do in the wine arena—be it as educators, trainers, sales professionals, importers, restaurateurs, public relations professionals, or some other role
- provide access to current, reliable wine information
- help wine professionals gain a competitive edge in the marketplace through improved knowledge and assist individuals in enhancing their careers by providing them with a set of high professional standards

WHY THIS PROGRAM WAS CREATED

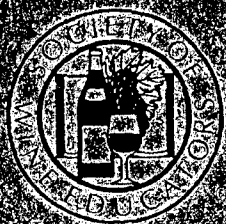
The original concept for this project came out of the need discovered through many calls and requests for a comprehensive, step-by-step training program for individuals wanting to enter into the wine industry. Who better than SWE to lead this initiative and provide the study materials and training that would fulfill this need? Acknowledging this need led to the revision of SWE's mission by the Board of Directors back in 1998 followed by the creation of a professional development framework in 1999.

To accomplish this portion of the Society's mission, the board split the governance of the education program into three parts: professional development and certification, corporate training and certification, and hospitality training and certification. This guide is a direct result of the corporate training and certification committee.

When the first group of SWE's corporate members were asked for input about SWE's role in wine education, it was clear that while many companies already provide their employees with ongoing training, they desired independent certification of those employees. These leaders in industry wine education stated clearly that there are de facto industry standards for their employees' wine education needs and that SWE should promote them. The committee then identified a list of specific topics needed and supplied the supporting material. The Society has compiled this material into this comprehensive study guide. Without the vision and contributions of this committee, this publication would not have been possible.

Table of Contents

CERTIFIED WINE SPECIALIST Study Guide

**UNIT ONE****VITICULTURE AND GRAPE VARIETIES**

- 1. Viticulture
- 2. White Grape Varieties
- 3. Red Grape Varieties

UNIT TWO**WINE PRODUCTION**

- 4. Fermentation and Still Wine Production
- 5. Sparkling Wine Production
- 6. Fortified Wine Production

UNIT THREE: WINE REGIONS

- 7. The United States
- 8. France
- 9. Italy
- 10. Spain and Portugal
- 11. Germany and Austria
- 12. The Southern Hemisphere

UNIT FOUR: WINE TASTING

- 13. Wine Composition and Chemistry
- 14. Wine Tasting and Faults
- 15. The Physiology of Taste

UNIT FIVE**ADDITIONAL RESOURCES**

- 16. Wine and Health
- 17. Wine Etiquette and Service
- 18. How to Read a Wine Label
- 19. Conversions
- 20. Study Questions
- 21. Bibliography and Supplementary Reading

FOOD & WINE

June 2003

the grilling issue

fast barbecue sauces & salsas

tasty, juicy burgers

wraps & packs for the grill

**tequila**

a connoisseur's guide

AOL Keyword: Food & Wine

U.S. \$3.95 CAN. \$4.95
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FACT SHEET: greece

BY RICHARD NALLEY

A NEW GENERATION OF INTERNATIONALLY TRAINED GREEK winemakers are scouting out some of the best vineyard sites from Crete to Macedonia and turning out some truly gorgeous wines. Their top offerings aren't cheap, but their prices haven't yet caught up with their remarkable achievements.

GREEK GRAPES While French grapes like Merlot are now more common in Greece, many producers are using indigenous Greek grapes like Naoussa's spicy red Xinomavro and the dark, perfumed Agiorgitiko of Nemea. In whites, look for wines made from the rich Malagouzia or the crisp Assyrtiko.

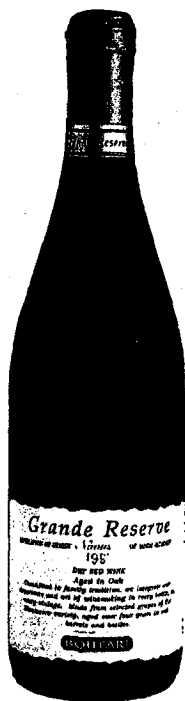
FOOD MATCHES Greece's best modern producers are creating fresher, rounder wines that still retain the grapes' natural acidity to make them perfect for pairing with food.

NAMES TO KNOW Top importers include Athenée, Fantis and Amerikus.



Grapes have long been grown near the monasteries of Mt. Athos.

10 TOP BOTTLES



2001 Antonopoulos Adoli Ghis (\$14) Made predominantly from the Lagorhi grape, which is grown in the mountain villages of Kalavryta, this exotic white is dry and medium-bodied with a minerally undercurrent and flavors of melon, apple and honeysuckle.

2001 Chateau Carras Malagouzia (\$18) This northern Aegean white is produced from organic grapes grown on the slopes of Mt. Meliton. Round and full in the mouth, it has a lean, lively cut of acidity—and a lovely aroma of apple and citrus.

2002 Gai'a Notios (\$10) This fresh, aromatic white, blended

from the native Moscofilero and Roditis grapes, exudes an intriguing perfume of grapefruit and peach.

2001 Domaine Spiropoulos Meliasto (\$10) Here's something different in a dry rosé. This light-bodied wine comes from the central Peloponnese and is marked by a delicate floral bouquet of roses and gardenias.

2000 Estate Averoff Ktima Averoff (\$20) Averoff is home to some of the oldest vines in Greece, which produce this Cabernet blend—a top example of a Bordeaux-style Greek red. Along with its silky tannins, it shows off classic notes of plum and cassis.

1997 Boutari Grande Reserve Naoussa (\$15) This deftly oaked, medium-rich wine from one of Greece's best-known producers is marked by bright notes of red fruit and racy acidity; it seems to grow more luscious when paired with food.

2000 Karydas Naoussa (\$22)

Grown in limestone soils in a vineyard planted 23 years ago in the northern region of Naoussa, this noteworthy red is supersoft, with delicate cherry aromas reminiscent of Pinot Noir.

1999 Papaioannou Estate Nemea (\$14) A big, impressive red from Nemea that's just beginning to open up, this wine will benefit from another 5 to 10 years of aging. Give it half an hour in a decanter to unfold aromas of earth and burnt spice.

2000 Tsantali Xinomavro (\$15) Produced by one of Greece's top large wineries, this Macedonian red is made from the Xinomavro (the name means "acid, black") grape. It's medium-bodied with luscious notes of blackberry and blueberry.

1999 COOPERATIVE OF SAMOS NECTAR (\$14) This is a knockout dessert wine and a great bargain as well. Made on the island of Samos, it has walnut and raisin flavors reminiscent of a fine tawny port.

Exploring Sonoma Valley ♦ Cab Is King! ♦ Picnicking In Provence

Touring & Tasting

WINE • FOOD • TRAVEL

*Spring-Summer
Edition*

MIRTA
Americas
Bordeaux

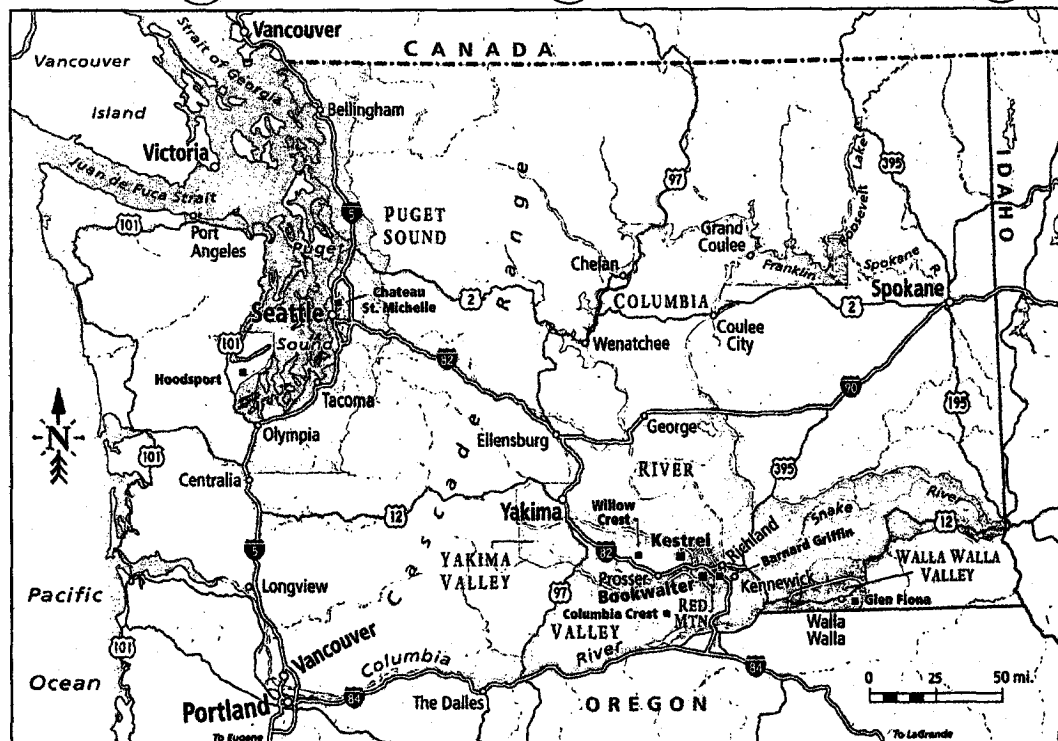
A TASTE OF
PASO ROBLES

INTERVIEWS
with
winemakers



www.touringandtasting.com

Touring & Tasting in Washington



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 ■ Previously Featured ■ Lodging ○ Towns



Located on approximately the same latitude (46°N) as some of the great French wine regions of Bordeaux and Burgundy, Washington wine regions include five federally recognized viticultural appellations. A variety of climates and soils combine with the long summer sunlight hours of northern latitudes to create prime growing conditions. Washington grapes ripen with about two more hours of summer sunlight each day than California grapes. Gradually cooling autumn temperatures throughout Washington help wine grapes reach full maturity, while maintaining desirable acid levels.

Four Washington wine regions—Yakima Valley, Walla Walla Valley, Columbia Valley, and the new Red Mountain wine region—produce 98% of the state's wine grapes. There are currently over 200 wineries in Washington wine country, with 97,600 tons of grapes harvested each year—more than any other state in the U.S., except California. The top three varietals produced are Cabernet Sauvignon, Merlot, and Chardonnay. Washington State is quickly becoming as well known for its award-winning wines as it is for its apples, cherries, and pears.

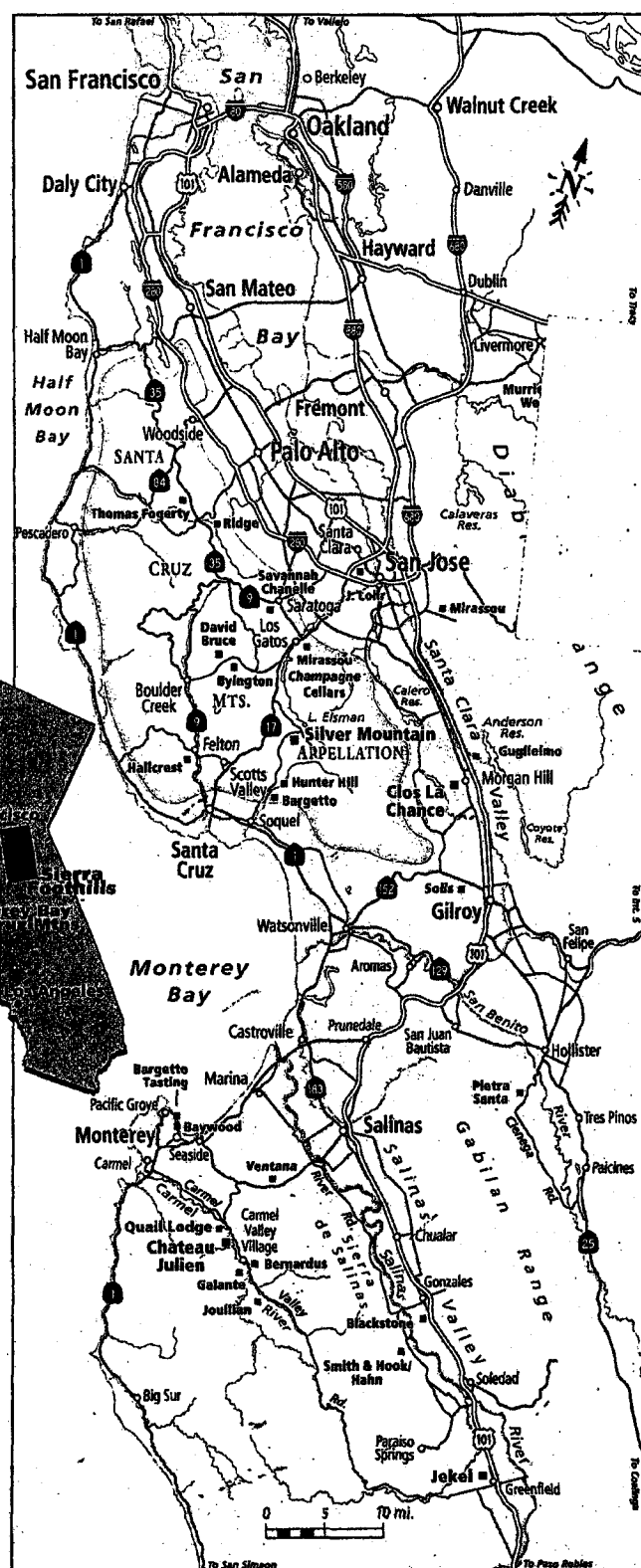
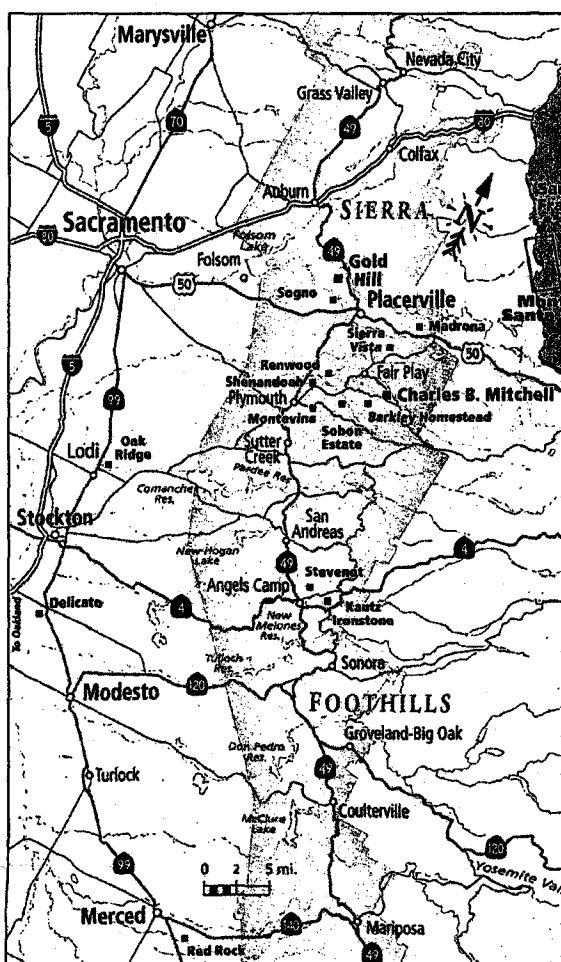
For more information, visit www.washingtonwine.org.

Touring & Tasting Monterey County, Santa Cruz Mts., & Sierra Foothills

The 50-plus wineries that make up the Sierra Foothills wine region are situated in seven counties, spanning nearly 300 miles. Highway 49 links the wineries from north to south.

The Santa Cruz Mountains were first recognized as a premium winegrowing region at the turn of the century, when its wines won acclaim in European competitions. Today over 40 wineries specialize in handcrafted wines.

Monterey County encompasses eight appellations with more than 40 wineries and vineyards. Most of the wineries and tasting rooms are clustered in three areas: the City of Monterey, Carmel Valley, and the Salinas Valley.



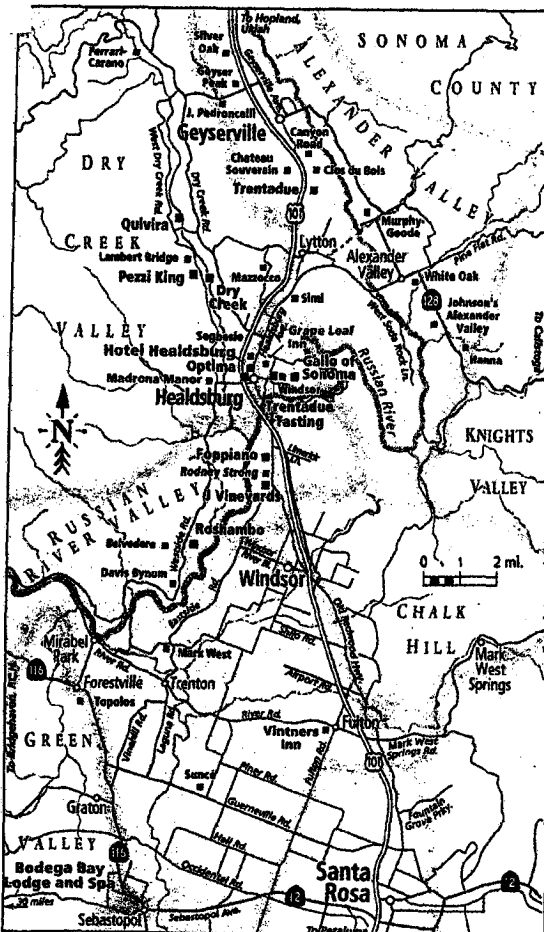
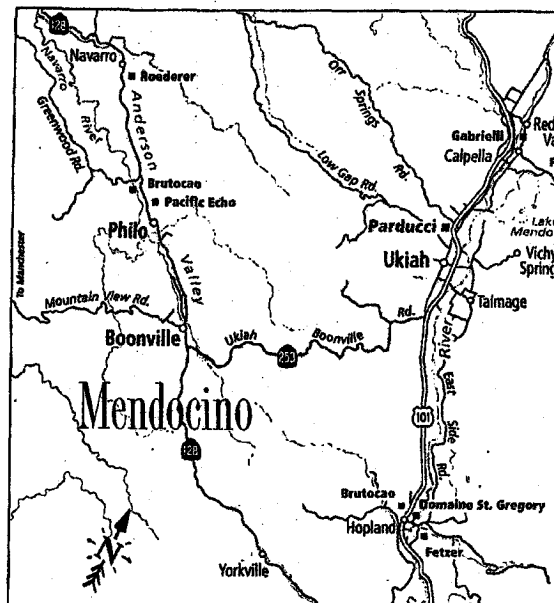
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Touring & Tasting

Touring & Tasting in Sonoma County and Mendocino

Low key and unassuming, Sonoma County is home to some of California's best wine grapes. The picturesque countryside is also dotted with chicken and cattle ranches, and peach, walnut, apple, and plum orchards.

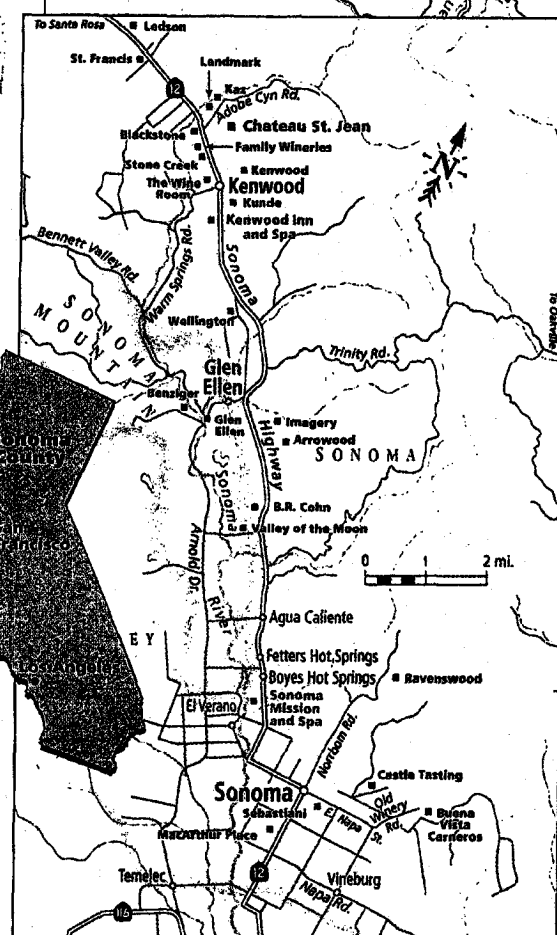
Mendocino County is the northern frontier of California's famous North Coast wine region. This is a rugged, mountainous, heavily forested region. Riversides and idgetops, often in isolated locations, provide Mendocino's vineyard sites. These vineyards and wineries produce distinctive grapes and wine filled with a rare sense of place.



Northern Sonoma

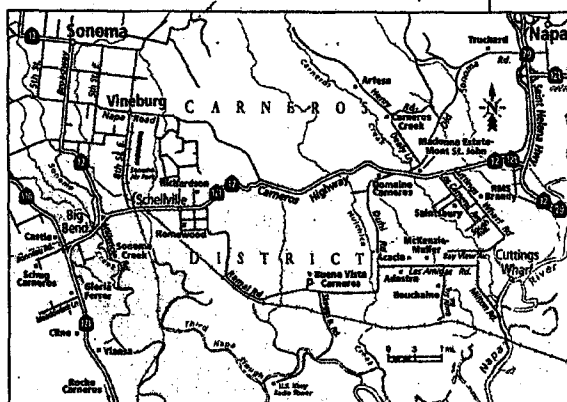
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○ Cities
○ Towns



Southern Sonoma

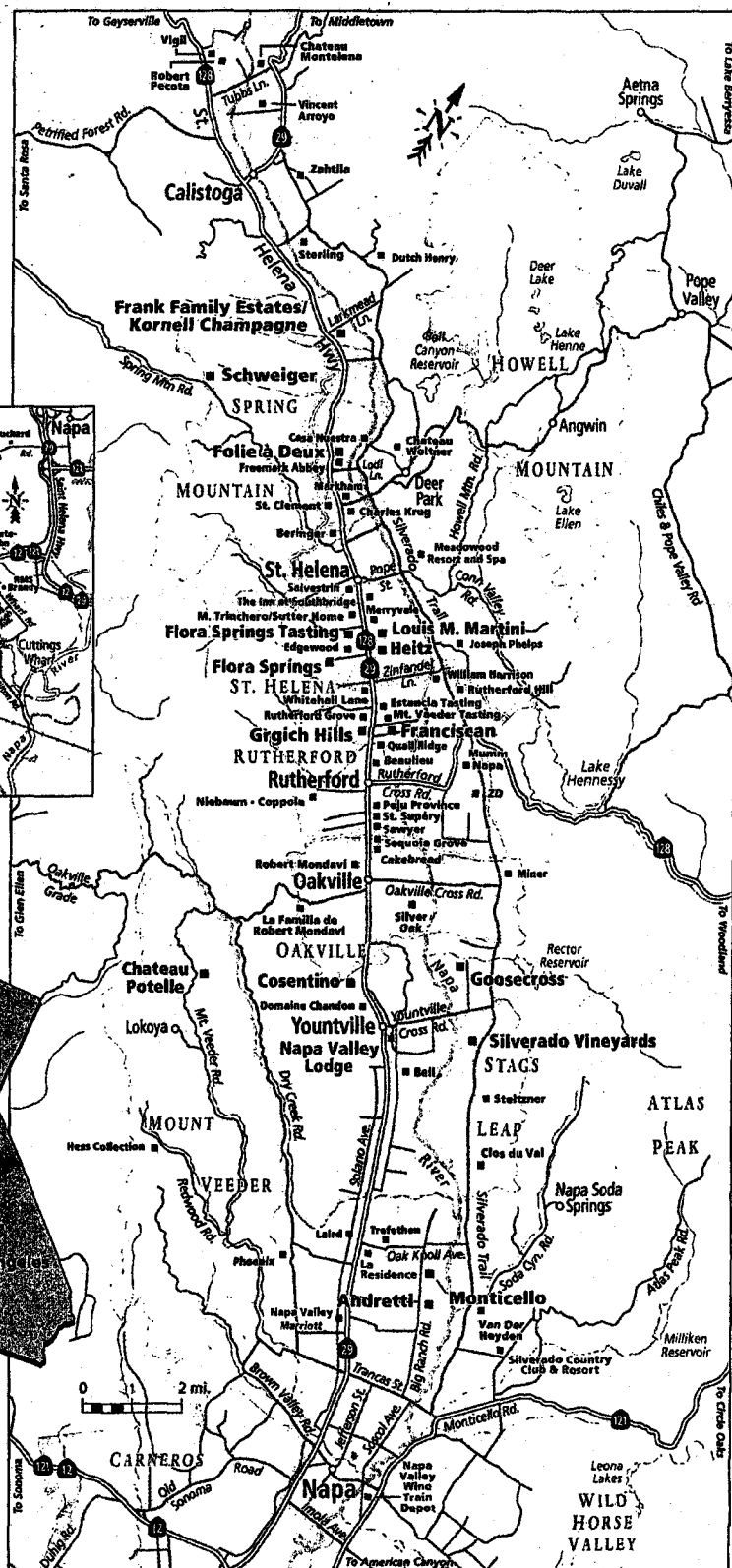
Touring & Tasting in the Napa Valley



Carneros

Over the past 30 years, the Napa Valley has become America's favorite destination for wine lovers. Attractions include over 400 wineries, world-class dining, luxury resorts, championship golf, hot air ballooning, bicycle tours, and more.

An ideal way to combine wining and dining is the Napa Valley Wine Train, featuring a leisurely ride through wine country. Visitors will want to stop in the City of Napa, where Victorian-era homes serve as elegant bed and breakfasts; St. Helena, the perfect jumping-off spot for many famous wineries; and Calistoga and Yountville, charming resort towns known for their spas, inns, and cuisine.



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.75

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 76242955

Filing Dt: 04/17/2001

Reg #: NONE

Reg. Dt:

Applicant: Wineryexchange.com

Mark: REGIONS

Assignment: 1

Reel/Frame: 2360/0338

Received:
09/04/2001

Recorded:
08/27/2001

Mailed:
11/02/2001

Pages:
6

Conveyance: CHANGE OF NAME

Assignor: WINERY EXCHANGE.COM

Exec Dt: 06/27/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: WINERY EXCHANGE, INC.

35 LEVERONI CRT. STE. 100
NOVATO, CALIFORNIA 94949

Correspondent: BROBECK, PHLEGER & HARRISON, LLP

CARLA B. OAKLEY
SPEAR STREET TOWER
ONE MARKET
SAN FRANCISCO, CA 94105

Search Results as of: 7/28/2004 3:21:19 P.M.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723
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05-16-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #01

TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

WineryExchange.com

Mark: REGIONS

Serial No.: 76242955

Filing Date: April 17, 2001

COMPLETED

REQUEST FOR CORRECTED FILING RECEIPT

OFFICE OF TRADEMARK PROGRAM CONTROL
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

During a review of the official Filing Receipt, Attorney for Applicant noted that the International Class Number as printed is incorrect. The Filing Receipt shows the International Class Number as Class 35.

INFO.
LAW OFFICE 103
MAY 29 12:15

The International Class Number as it appears on the application and drawing page as filed is International Class 33. Applicant respectfully requests that the Filing Receipt be corrected accordingly.

Dated: May 14, 2001

Respectfully submitted,

By: 

Carla Oakley
Attorney for Applicant
WineryExchange.com

Brobeck, Phleger & Harrison LLP
Spear Street Tower
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San Francisco, CA 94105
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TRADEMARK
Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

WineryExchange.com

Mark: REGIONS

Serial No.: 76242955

Filing Date: April 17, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

OFFICE OF TRADEMARK PROGRAM CONTROL

Assistant Commissioner for Trademarks

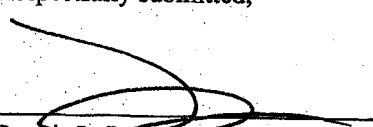
2900 Crystal Drive

Arlington, VA 22202-3513

Dear Sir:

I hereby certify that the attached Request for Corrected Filing Receipt and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Office of Trademark Program Control, Assistant Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3513, on May 14, 2001.

Respectfully submitted,


Dennis L. Labarba



06-14-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #71

TRADEMARK
Docket No. 031998.2090

108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application/Registration of:

WineryExchange.com

Mark: REGIONS

Serial No.: 76242955

Filing Date: April 17, 2001

NOTICE OF CHANGE OF ADDRESS

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

Applicant has changed its address to the following:

35 Leveroni Court, Suite 100
Novato, California 94949

Applicant requests that this change be made of record in this application.

Dated: June 6, 2001

Respectfully submitted,

By: Susan J. Nam
Attorney for Applicant
WineryExchange.comBrobeck, Phleger & Harrison LLP
Spear Street Tower
One Market
San Francisco, CA 94105
415-442-1615(phone)
415-442-1010 (fax)
snam@brobeck.comJUN 19 3 45 PM '01
LAW OFFICE 110

Lyn



06-14-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #71

TRADEMARK

Docket No. 031998.2090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application/Registration of:

WineryExchange.com

Mark: REGIONS

Serial No.: 76242955

Filing Date: April 17, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

BOX RESPONSES NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

I hereby certify that the attached Notice of Change of Address and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX RESPONSES NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3513 on June 11, 2001.

Respectfully submitted,

Dennis L. Labaria

TTAB

Date of Deposit April 13, 2004. I hereby certify that this Applicant's Appeal Brief is being deposited with the United States Postal Service, First Class Mail, addressed to Commissioner for Trademarks, BOX TTAB - NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Betty Bryant Phillips
Betty Bryant Phillips

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application of

Winery Exchange, Inc.
(formerly Wineryexchange.com)

Serial No.: 76/242955

Filed: April 17, 2001

Mark: REGIONS

Exam. Atty: Jason F. Turner, Esq.

Law Office: 108

1 10000 0000 0000 0000 0000 0000 0000 0000 0000

04-16-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

Commissioner for Trademarks
BOX TTAB - NO FEE
2900 Crystal Drive
Arlington, VA 22202-3514

APPLICANT'S APPEAL BRIEF

Dear Sir or Madam:

Applicant respectfully submits this brief in support of its appeal of the Examining Attorney's 2(e)(1) refusal of registration of the mark REGIONS for wine.

The mark REGIONS is inherently distinctive and is not merely descriptive of Applicant's wine. The Examining Attorney has failed to evaluate the mark directly with respect to Applicant's goods and has erroneously considered the mark in the abstract in a general sense without immediate reference to wine. Everything comes from some region, but that does not render the term REGIONS merely descriptive of every product. Furthermore, the facts support

allowance rather than refusal, and the Examining Attorney has not met the required evidentiary burden to show mere descriptiveness.

I. Summary of the Record.

A. Examining Attorney's Evidence.

The Examining Attorney's evidence consists of a dictionary definition, maps of wine-producing territories and various wine-related articles and excerpts from Lexis/Nexis, the Internet and magazines which contain the terms "regions" or "region". For example, the Examining Attorney stated that one of the definitions of REGION is "a specified district or territory"¹ and included a copy of a map of France and cited Champagne and Bordeaux as examples of wines named for the region from which they originate.²

In addition, the Examining Attorney attached print-outs which indicated that Lexis/Nexis searches disclosed thousands of articles containing the phrase "wine regions" or the term "wine" in close proximity to the term "region", and he provided excerpts from approximately 40 such articles to show descriptive use of phrases such as "famous wine region", "most exciting wine regions", "number of wine regions", "interests in many wine regions", "labels from wine regions", "general information about the wine and the region", "information about the wine and the region", "the wine regions fanning inland", "the Stellenbosch wine region" and "wine regions of Napa, Sonoma, and Mendocino."³ The Examining Attorney also included exhibits which showed that the terms "regions" and "region" were used on websites, magazines and two books relating to wine regions.⁴

¹ See Office Actions dated 11/6/01, 7/1/02, 6/2/03 and 2/2/04.

² See Office Actions dated 7/1/02 and 6/2/03.

³ See Office Actions dated 11/6/01, 7/1/02 and 2/2/04.

⁴ See Office Actions dated 7/1/02 and 6/2/03.

B. Applicant's Evidence.

Applicant provided the Examining Attorney with details of other REGIONS-based marks that the United States Patent and Trademark Office ("USPTO") deemed to be inherently distinctive and registered on the Principal Register, as well as dozens of registrations on the Principal Register (without disclaimer) for terms that are similar in nature to the term "region" (e.g., ORIGIN, ZONE, ORCHARD, COUNTRYSIDE, FARMS, FIELD, PLACE, AREA).⁵ Applicant also called the Examining Attorney's attention to the multiple definitions of the term "regions".⁶

In addition to the issues discussed in this Appeal Brief, Applicant respectfully refers the Board to the arguments and evidence previously submitted to the Examining Attorney in connection with this application. Such arguments and evidence clearly point out the flaws in the Examining Attorney's descriptiveness refusal and demonstrate that REGIONS is not merely descriptive of Applicant's wine.

II. Applicant's Mark is Inherently Distinctive as Applied to the Goods

As discussed below, Applicant's mark REGIONS is inherently distinctive as applied to Applicant's wine. It should be noted that REGIONS is a plural term, thus negating the idea that Applicant's wine is somehow descriptive of any particular region. The term REGIONS also does not describe to consumers anything about the characteristics of Applicant's wine. Rather, the mark REGIONS connotes a sense of adventure and travel to different parts of the world. When viewing Applicant's use of REGIONS on wine, consumers are reminded of multiple far away places and distant lands – not of any particular region in which wine is produced.

⁵ See Response to Office Action dated 5/1/02, Request for Reconsideration dated 12/30/02, and Request to Suspend and Remand dated 11/26/03.

⁶ See Response to Office Action dated 5/1/02.

Furthermore, consumers are likely to perceive Applicant's use of REGIONS as suggesting that Applicant's REGIONS wine is a universal wine that can be shared with – and enjoyed by – people from regions all around the world.

III. Examining Attorney's Contentions.

From the arguments repeated in the Examining Attorney's four office actions, it is apparent that the Examining Attorney erroneously based his refusal on three beliefs: (1) that the term REGIONS is defined as "a specified district or territory"; (2) that many people in the wine industry use the term REGIONS or WINE REGIONS to refer to districts or territories from which wines originate; and (3) that REGIONS is merely descriptive of a feature of Applicant's goods, namely, wines hailing from a certain region. The first two beliefs, even if true, do not prove that Applicant's mark is merely descriptive for wine. The third belief is incorrect – even if Applicant's wine comes from a certain geographic region, that does not make the mark REGIONS merely descriptive of that wine.

Furthermore, the Examining Attorney explained that he was not persuaded by the existence of multiple meanings for the term REGIONS, and he brushed aside the numerous third-party registrations cited by Applicant.

IV. Applicable Law.

Trademark Section 2(e)(1), 15 U.S.C. 1052(e)(1) states: "No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it . . . (e) Consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them"

A trademark is “merely descriptive” if it “describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods.” In re Gyulay, 3 U.S.P.Q. 2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 229 U.S.P.Q. 818 (Fed. Cir. 1986); In re MetPath Inc., 223 U.S.P.Q. 88 (T.T.A.B. 1984); In re Bright-Crest, Ltd., 204 U.S.P.Q. 591 (T.T.A.B. 1979); TMEP section 1209.01(b).

However, a “descriptive” mark must also *immediately* convey information about the qualities, characteristics or features of the product. In re Abcor Development Corp., 200 U.S.P.Q. 215, 217-18 (C.C.P.A. 1978). The immediate idea must be conveyed with a “degree of particularity”; if imagination, thought and perception are required to reach a conclusion as to the nature of the goods, then the term is suggestive rather than descriptive. In re TMS Corporation of the Americas, 200 U.S.P.Q. 57, 59 (T.T.A.B. 1978); In re Gyulay, 3 U.S.P.Q. 2d 1009.

As explained in Section II above, Applicant’s mark REGIONS is inherently distinctive as applied to wine. Additionally, as discussed below, Applicant’s mark REGIONS is not merely descriptive because it does not immediately describe or convey information about, with a degree of particularity, an ingredient, quality, characteristic, function, feature, purpose or use of wine.

V. Descriptive Use in Wine Context Does Not Make Mark Merely Descriptive.

Despite the Examining Attorney’s assertions, the mark REGIONS is not merely descriptive for wine. What does the mark REGIONS, by itself, describe or inform consumers about wine? Nothing. Although the term “regions” is used frequently in the context of wine to refer in a general sense to geographic locales (e.g., “the many wine regions throughout the world”), the mark REGIONS itself does not immediately convey anything about wine.

The Examining Attorney correctly noted that the term REGIONS can be defined as a district or territory, and that wines sometimes are known for the specific territory where they are

made or where the grapes are grown. However, Applicant's mark REGIONS is not the name of a specific territory where wines are made or where grapes are grown. While the name of a particular geographic region could theoretically be descriptive for wine, the general term REGIONS (which does not connote any particular place or area) is not.

Despite the Examining Attorney's statements to the contrary, Applicant's mark does not describe "wines hailing from a certain region," and Applicant's mark does not convey "where the goods originate." In sharp contrast to the Bordeaux or Champagne examples cited by the Examining Attorney (in which cases the names of specific regions are used rather than the general term REGIONS), if a consumer viewed a bottle of wine bearing the REGIONS mark, the consumer would not perceive anything about the wine on account of the REGIONS mark (other than goodwill associated with Applicant's REGIONS mark). The term REGIONS does not describe or indicate where the wine was made or where the grapes were grown. The term REGIONS does not describe or indicate anything about the soil or climate of the relevant vineyards. The term REGIONS does not describe or indicate anything about the function or purpose of the wine. The term REGIONS does not describe or indicate anything about the ingredients, taste or quality of the wine. In sum, the term REGIONS does not describe any characteristic of Applicant's goods.

The Board's decision in In re Orleans Wines, Ltd., 516 U.S.P.Q. at 517 (cited by the Examining Attorney in the second office action to Applicant) further supports Applicant's arguments. In that case, Orleans Wines, Ltd. filed an application to register the mark BREADSPRED for jellies and jams, and the Board correctly held that the mark was merely descriptive. In its decision, the Board noted that the dictionary defined the term "SPREAD" as a food "(as butter, jam, jelly, fruit or peanut butter, or deviled meat) used or made for use to spread.

on bread or crackers” and that the “only rational, logical reaction by a normal person to the term ‘BREADSPRED’ when used in association with jellies and jams would in our opinion be a spread made for bread.” In sharp contrast, there is absolutely no mention of wine in the dictionary’s definition of the term REGIONS, and people viewing the term REGIONS in association with wine would not perceive any descriptive message about the wine.

At its core, the Examining Attorney’s refusal and arguments are based on the theory that the term REGIONS is descriptive because wine comes from certain regions. However, every product inevitably comes from some region, and although people use many terms in their general sense (e.g., regions, countryside, orchard) to refer to the type of source of various products, such terms can also be used outside of that general sense as trademarks that do not describe anything about the products on which they are used. If taken to its logical conclusion, the Examining Attorney’s argument would render many marks merely descriptive simply because they are used in their general “dictionary” sense to refer to the source of a product.

Instead, Applicant notes that many such terms have been registered as trademarks on the Principal Register without any disclaimer or claim of acquired distinctiveness despite their frequent use in descriptive manners, including but not limited to the following examples (which the Examining Attorney has elected to disregard):

- ORIGIN – Reg. No. 2798492 for wine;
- TELLURIAN – Reg. No. 2618973 for wine;
- OCEAN STATE – Reg. No. 1851646 for spirits;
- ZONE – Reg. No. 2186191 for vodka-based distilled spirits with added fruit flavors;
- ZONE – Reg. Nos. 2583643 and 2324221 for bowling balls;
- ORCHARD – Reg. No. 0389985 for fresh citrus fruits;

- COUNTRYSIDE – Reg. Nos. 1413524, 1457674 and 1876773 for dairy products and fruit juice drinks; }
- FARMS – Reg. No. 1332498 for agricultural publication audience research;
- FIELD – Reg. Nos. 1515604 and 1517319 for meats, cheese, lard and poultry;
- FIELD – Reg. No. 0754816 for seeds and nursery stock;
- PLACE – Reg. No. 2202251 for children's clothes;
- PLACE – Reg. No. 0427455 for cologne;
- AREA – Reg. No. 2622618 for bedding, table linens and curtains;
- LOCATION – Reg. No. 2641969 for a computer program;
- LOCATIONS – Reg. No. 1841311 for magazines for event and party planning;
- SOURCE – Reg. No. 2668049 for tea-based bottled beverages and fruit juice beverages;
- SOURCE – Reg. No. 2480455 for toys;
- SOURCE – Reg. No. 2217426 for non-medicated hair care and skin care preparations;
- SOURCE – Reg. No. 2398203 for various products including drinking flasks and shoes;
- SOURCE – Reg. No. 2118920 for loudspeakers;
- SOURCE – Reg. Nos. 1255764 and 1092632 for dietary food supplements for animal feed;
- SOURCE – Reg. No. 2738375 for services including installation of heating, ventilating, air conditioning, refrigeration and electrical energy controllers;
- ORIGIN – Reg. No. 2779493 for bathtubs;
- SITE – Reg. No. 2690323 for fluorescent luminaires;
- SITE – Reg. No. 2344716 for charge coupled devices;
- SITE – Reg. No. 1667958 for promoting the interests of incentive travel executives;
- CITY – Reg. No. 2623771 for installation, maintenance and repair of electrical wiring;

- CITIES – Reg. No. 2237584 for furniture;
- CITIES – Reg. No. 1208597 for footwear;
- STATE – Reg. No. 2489956 for cigarettes, tobacco and tobacco products;
- STATE – Reg. No. 2662408 for water heaters;
- STATES – Reg. Nos. 1965774 and 1016751 for electrical power distribution and substation equipment;
- DERIVATION – Reg. No. 2782061 for equipment for playing a word game;
- VALLEY – Reg. No. 2654343 for contract food services;
- NEIGHBORHOOD – Reg. No. 2395400 for sportswear and sporting goods;
- CONTINENT – Reg. No. 2089295 for printing presses;
- VICINITY – Reg. Nos. 2159691 and 2506043 for computer services;
- LOCALITY – Reg. Nos. 2608550 and 2598574 for information services;
- REALM – Reg. Nos. 1975469 and 1867411 for cologne, eau de toilette and eau de perfume;
- QUARTERS – Reg. No. 2042168 for clothing;
- COUNTY – Reg. No. 0960343 for tractors;
- PROVINCE – Reg. No. 2725927 for luggage;
- PROVINCE – Reg. No. 2238347 for mattresses;
- JARDIN (translated as GARDEN) – Reg. No. 2051062 for fruit nectars and fruit juices;
- JARDIN (translated as GARDEN) – Reg. Nos. 2647776 and 2577111 for garden furniture;
- LA VINA (translated as THE VINEYARD) – Reg. No. 0973518 for a wine sauce for cooking;
- COUNTRY COCKTAILS – Reg. No. 1758656 for cordials;
- HILL COUNTRY CELLARS – Reg. No. 1658713 for wines;

- MOUNTAIN COUNTRY CELLARS – Reg. No. 2105450 for wines;
- SUN COUNTRY – Reg. No. 1357084 for wine coolers;
- LAKE COUNTRY – Reg. No. 1080563 for wine;
- CAPE COUNTRY – Reg. No. 2299953 for wines;
- COUNTRY DAWN – Reg. No. 1155029 for wines;
- THE COUNTRY VINTNER – Reg. No. 2281386 for and import agency and wholesale distributorship featuring wine, beer, water, drink mixes, cork screws and menu covers; and
- COUNTRY KWENCHER – Reg. No. 1840815 for wines.

Such registrations illustrate that these types of marks can be registrable and can be used in a non-descriptive manner even though the terms are often used in a descriptive fashion in reference to the origin of such types of products. See also Sally Beauty Co., Inc. v. Beautyco, Inc., 64 U.S.P.Q. 2d 1321, 1327 (10th Cir. 2002) (explaining that “[m]erely because a producer manufactures goods which feature the word ‘generic,’ however, does not render the trademark itself generic. . . . [T]he ‘Generic Value Products’ mark does not, by its terms, describe hair care products.”).

Additionally, even with respect to the mark REGIONS itself, the United States Patent and Trademark Office has on several occasions determined that the marks REGION and REGIONS are not merely descriptive, as evidenced by the following registrations without any disclaimer or claim of acquired distinctiveness for the term REGION or REGIONS:

- REGIONS – Reg. Nos. 1881600 and 1914267 for banking services (despite the fact that the type of banking services available may be based on a particular region);
- REGIONS – Reg. No. 2175755 for medical services (despite the fact that medical services are typically offered through hospitals located in particular regions);

- REGION – Reg. No. 2583861 for clothing (despite the fact that clothing comes from a particular region and is typically designed to fit the needs and styles of a particular region); and
- SAVOR THE REGIONS – Reg. No. 2064574 for a televised cooking instruction show (despite the fact that such shows typically explore the cooking techniques and recipes of particular regions).

Although the Examining Attorney has maintained that “third-party registrations are not conclusive on the question of descriptiveness”, Applicant has previously pointed out to the Examining Attorney (see Applicant’s Response to Office Action dated May 1, 2002) that the Board has held that third-party registrations with the same or similar term are entitled to some weight in determining whether a term should be disclaimed as descriptive. See In re Fairfield Laboratories, Inc., 144 U.S.P.Q. 452, 453 (T.T.A.B. 1964).

Furthermore, the above third-party registrations illustrate another flaw in the Examining Attorney’s reasoning. The Examining Attorney attempted to demonstrate that REGIONS is merely descriptive because the Lexis/Nexis database contained more than 1000 stories in which the term “region” (not in plural form) was located within one term of the word “wine”. However, as Applicant pointed out to the Examining Attorney in its Response to Office Action dated May 1, 2002, the USPTO has registered numerous COUNTRY and STATE marks for wine on the Principal Register without disclaimer, and yet the Lexis/Nexis database contained more than 1000 stories in which the terms “country” and “state” were located within one term of the word “wine”.

The fundamental legal error committed by the Examining Attorney, however, was his failure to tether Applicant’s mark directly to the goods. “[I]t is well established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork, but in relation to the goods or services for which registration is sought, the context in

which the mark is used or intended to be used, and the impact that it is likely to make on the average purchaser of such goods or services.” In re Remacle, 66 U.S.P.Q. 2d 1222, 1224 (T.T.A.B. 2002) quoting In re Recovery, 196 U.S.P.Q. 830 (T.T.A.B. 1977); TMEP section 1209.01(b). When considering whether a term or mark is descriptive, the Examining Attorney must consider the issue of descriptiveness in relation to the identified goods as purchased or used by the relevant public, not in the abstract. In re Omaha National Corp., 2 U.S.P.Q. 2d 1859 (Fed. Cir. 1987); In re Abcor Development Corp., 200 U.S.P.Q. 215 (C.C.P.A. 1978).

The Examining Attorney erroneously considered the REGIONS mark in the abstract and only in a general sense rather than with an immediate application and reference to Applicant’s wine. The Examining Attorney also provided no evidence that REGIONS is used or would be recognized as having a definite and readily understood meaning *in relation to Applicant’s identified goods*. Consequently, the Examining Attorney has failed to meet the required legal standard for refusing the mark as merely descriptive.

VI. Granting Registration Does Not Prevent Descriptive Use.

The above-identified third-party registrations also demonstrate that granting registration for Applicant’s REGIONS mark will not hinder or prevent others from using that term in a descriptive non-trademark fashion. Certainly the terms COUNTRY, STATE, ORIGIN, ZONE, ORCHARD, COUNTRYSIDE, FARMS, FIELD, PLACE, SOURCE, SITE, LOCATION, AREA, CITY, DERIVATION, VALLEY, NEIGHBORHOOD, CONTINENT, COUNTY, PROVINCE, GARDEN and VINEYARD have not been removed from the lexicon simply because someone was permitted to register those terms as trademarks.

Similarly, despite the Examining Attorney’s stated fear that “[g]ranting exclusive rights to the term in question would appear to severely hamper the ability of others to effectively

inform consumers of a significant factor concerning the goods,” registering REGIONS for wine will not affect other people’s right to use the term “regions” in a descriptive sense. Applicant will be uniquely using REGIONS as a trademark to refer to its wine, while others will be free to continue to use the term “regions” to refer to a geographic locale (e.g., as part of the phrase “wine regions” as shown in nearly all of the Examining Attorney’s evidence). Even if other entities will not be permitted to name their wines REGIONS and use REGIONS as a brand name for their wines, they will nonetheless still be able to use the term “regions” to discuss wine growing regions or to effectively inform consumers that their wines comes from particular regions.

VII. Facts Support Allowance, Not Refusal.

A. Examining Attorney Has Not Met Required Evidentiary Burden.

“The PTO has the burden of proving that a trademark falls within a prohibition of § 1052.” In re Mavety, 31 U.S.P.Q. 2d 1923, 1925 (Fed. Cir. 1994) (vacating TTAB affirmance of refusal to register). Furthermore, the Examining Attorney bears the burden of establishing that a mark is merely descriptive. In re Remacle, 66 U.S.P.Q. 2d 1222 (T.T.A.B. 2002).

As in the Remacle case, the present situation necessitates the finding that, “[b]ased on the record before us, we cannot conclude that [the mark] is merely descriptive in connection with the identified goods and services. There is little evidence in this record that is *clearly relevant to Applicant’s identified goods* The Examining Attorney has the burden of establishing that the mark is merely descriptive, and that burden has not been met.” Id. at 1224 (emphasis added).

B. Examining Attorney’s Evidence Is Not Probative of Descriptiveness.

As set forth above, the Examining Attorney’s evidence of descriptive use of the terms “region” and “regions” in the context of wine is not probative of whether the mark REGIONS is

merely descriptive of wine. The Examining Attorney has not proven how other's use of "region" or "regions", to refer to named places where wine or other products are produced, means that REGIONS describes anything about Applicant's wine.

C. Examining Attorney Has Ignored the Significance of the Plural Form of the Mark.

As mentioned above, the mark REGIONS is in the plural form; the Examining Attorney, however, has ignored the significance of that plural form. While every product comes from some region, a single product generally does not come from multiple regions, and consumers that view Applicant's REGIONS mark on a bottle of wine are unlikely to believe that the bottle of Applicant's wine comes from multiple regions. Accordingly, this again demonstrates that the mark REGIONS does not immediately describe or convey to consumers anything about Applicant's wine.

VIII. Doubts Regarding Descriptiveness Should Be Resolved in Applicant's Favor.

To the extent that Applicant's arguments raise doubts on the issue of whether the mark REGIONS is descriptive, the law is clear that such doubts "should be resolved in applicant's behalf" In re Aid Laboratories, Inc., 221 U.S.P.Q. 1215, 1216 (T.T.A.B. 1983); In re American Hospital Supply Corp., 219 U.S.P.Q. 949 (T.T.A.B. 1983); In re Gourmet Bakers, Inc., 173 U.S.P.Q. 565 (T.T.A.B. 1972). Therefore, if there remain any doubts about whether the mark REGIONS is descriptive of wine, then the Board should decide in favor of Applicant and permit registration of its REGIONS mark.

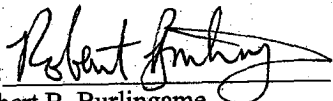
* * *

Applicant therefore respectfully requests that the Board grant this appeal and permit registration of Applicant's REGIONS mark. Thank you.

Dated: April 13, 2004

Respectfully submitted,

WINERY EXCHANGE, INC.

By: 
Robert B. Burlingame
PILLSBURY WINTHROP LLP
50 Fremont Street
P.O. Box 7880
San Francisco, CA 94105
(415) 983-1274
sftrademarks@pillsburywinthrop.com

Incoming Correspondence Routing Sheet

To: ~~TMEG LAW OFFICE 108 - EXAMINING ATTORNEY ASSIC~~

657 Pre Publication Final Review

LAW office 108

Word Mark: REGIONS

Serial No: 76242955



Mail Date: 04202004



Doc. Type: Notice of Appeal and Appeal Brief



No Fee

RAM Mail Date: 042004



APPLICANT: Wineryexchange.com

ADDRESS: 1150 Bayhill Drive, Suite 215
San Bruno, California 94066

DATE OF FIRST USE: Based on intent to use.

FIRST USE IN COMMERCE: Based on intent to use.

GOODS/SERVICES: Wine in International Class 33.



04-17-2001

U.S. Patent & TMO/TM Mail Rpt Dt #72

REGIONS

PUBLISHED
9/7/04

TRADEMARK



76242955

Carla B. Oakley, Esq.
(415) 442-1301 or coakley@brobeck.com

Docket No. 031998.2090 MG

TRADEMARK
Docket No. 031998,2090 MG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: REGIONS

Class(es): 33

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**TRADEMARK/SERVICE MARK APPLICATION,
PRINCIPAL REGISTER, WITH DECLARATION**

APPLICANT NAME: Wineryexchange.com

APPLICANT BUSINESS ADDRESS: 1150 Bayhill Drive, Suite 215
San Bruno, California 94066

APPLICANT ENTITY: (Check one and supply requested information.)

- ☐ Individual – Citizenship (Country):
- ☐ Partnership – State where organized (Country, if appropriate):
Name and Citizenship (Country of General Partners):
- ☒ Corporation – State (Country, if appropriate) of Incorporation: California
- ☐ Other (Specify Nature of Entity and Domicile):

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 et seq., as amended) for the following goods/services:

Wine in International Class 33.

BASIS FOR APPLICATION: (Check one or more, but NOT both the first AND second boxes, and supply requested information.)

- ☐ Applicant is using the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. § 1051(a), as amended.) One specimen showing the mark as used in commerce is submitted with this application.
 - Date of first use of the mark anywhere:
 - Date of first use of the mark in commerce which the U.S. Congress may regulate:
- ☒ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. § 1051(b), as amended.)
- ☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d), as amended.
 - Country of foreign filing:
 - Date of foreign filing:
- ☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods/services and, accompanying this application, and a certification or certified copy of a foreign registration in accordance with 15 U.S.C. § 1126(e), as amended will be provided.
 - Country of registration:
 - Registration number:

POWER OF ATTORNEY

Applicant hereby appoints Rochelle D. Alpert, Carla B. Oakley, Savita N. Lepore, Leslie C. McKnew, Sue J. Nam, Clark T. Thiel, Carolyn B. Burton, Ronit M. Alcheck, and any and all attorneys at Brobeck, Phleger & Harrison LLP, all members of a bar of a state in the United States, as its attorneys with full power of substitution and revocation, to prosecute the application to register, and to transact all business in the Patent and Trademark Office in connection therewith and to receive the Certificate of Registration; provided that if any of such attorneys ceases being affiliated with the law firm of Brobeck, Phleger & Harrison LLP as shareholder, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all communications to:

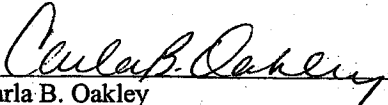
Carla B. Oakley
Brobeck Phleger & Harrison LLP
Spear Street Tower
One Market
San Francisco, California 94105

Please direct all telephone calls or e-mails to Carla B. Oakley at (415) 442-1301 or coakley@brobeck.com.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date: April 17, 2001


Carla B. Oakley
Attorney for Applicant Wineryexchange.com
Brobeck, Phleger & Harrison LLP
Spear Street Tower, One Market
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(415) 442-1301 (Phone)
(415) 442-1010 (Fax)
coakley@brobeck.com (email)

TRADEMARK
Docket No. 031998.2090 MG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Wineryexchange.com

Mark: REGIONS

Class(es): 33

Serial: Unassigned

Filing Date: Herewith

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 C.F.R. § 1.10

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513


Dear Sir:

Express Mail Label No.: EL684871640US

Date of Deposit: April 17, 2001

I hereby certify that the attached transmittal (+ copy), application, power of attorney, declaration, drawing, our check for the amount of \$325.00 and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, and are addressed to BOX NEW APP FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Respectfully submitted,


Dennis L. Labaria

Brobeck

ATTORNEYS AT LAW

April 17, 2001

BROBECK, PHLEGER & HARRISON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CALIFORNIA 94105
direct 415.442.1301
fax 415.442.1010
COAKLEY@BROBECK.COM
WWW.BROBECK.COM

By U.S. Express Mail

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

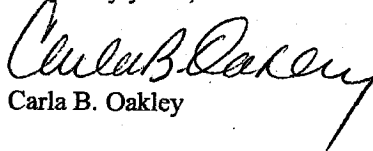
Re: New U.S. Trademark Application
Mark: REGIONS
Class(es): 33
Our reference: 031998.2090 MG

Dear Sir:

Enclosed for filing please find a Trademark/Service Mark Application, Principal Register for the above-identified trademark. Also enclosed is our check in the amount of \$325.00 and a postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 02-3950. A duplicate copy of this letter is enclosed for this purpose.

Very truly yours,


Carla B. Oakley

Enclosure

Brobeck

ATTORNEYS AT LAW

April 17, 2001

BROBECK, PHLEGER & HARRISON LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CALIFORNIA 94105
direct 415.442.1301
fax 415.442.1010
COAKLEY@BROBECK.COM
WWW.BROBECK.COM

By U.S. Express Mail

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

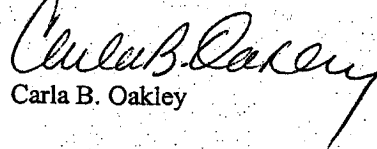
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Very truly yours,


Carla B. Oakley

Enclosure

76242955**TRADEMARK APPLICATION SERIAL NO. _____**

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET**

04/24/2001 SWILSON1 00000148 76242955**01 FC:361****325.00 DP**

**PTO-1555
(5/87)**

TRADEMARK EXAMINATION WORKSHEET

☒ AMENDMENT STAGE☒ NO CHANGE☐ PUBLICATION/REGISTRATION STAGE

Name: LAWRENCE COPELIN, SR. L.O. 112 Date 5 / 18 /2002 Serial No. 74/ 75/76/78 242955

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)

	Amended	Data Element	
Class Data		<input type="checkbox"/> Prime/International Class	<input type="checkbox"/> Goods and Services
		<input type="checkbox"/> First Use Date	<input type="checkbox"/> First Use in Commerce Date
		<input type="checkbox"/> In Another Form	<input type="checkbox"/> Certification
		<input type="checkbox"/> 1b	
Mark Data		<input type="checkbox"/> Word Mark	<input type="checkbox"/> Pseudo Mark
		<input type="checkbox"/> Mark Drawing Code	<input type="checkbox"/> Design Search Code
		<input type="checkbox"/> Scan Sub Drawing	
Misc. Mark Data		<input type="checkbox"/> Mark Description	<input type="checkbox"/> Disclaimer
		<input type="checkbox"/> Lining/Stippling	<input type="checkbox"/> Name/Portrait/Consent
		<input type="checkbox"/> Translation	
Section 2(f)		<input type="checkbox"/> Section 2(f) Entire Mark	
		<input type="checkbox"/> Section 2(f) Limitation Statement	<input type="checkbox"/> Section 2(f) in Part
		<input type="checkbox"/> Amended Register	<input type="checkbox"/> Amended Register Date
Foreign Reg. Data		<input type="checkbox"/> Foreign Country	<input type="checkbox"/> 44(d)
		<input type="checkbox"/> Foreign Application Number	<input type="checkbox"/> Foreign Application Filing Date
		<input type="checkbox"/> Foreign Registration Number	<input type="checkbox"/> Foreign Registration Date
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Owner Data		<input type="checkbox"/> Owner Name	<input type="checkbox"/> DBA/AKA/TA
		<input type="checkbox"/> Address 1	<input type="checkbox"/> Address 2
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		<input type="checkbox"/> Assignment(s)/Name Change	
Amd/Corr Restr.		<input type="checkbox"/> Concurrent Use	
Prior U.S. Reg.		<input type="checkbox"/> Prior Registration	
Correspondence		<input type="checkbox"/> Attorney	<input type="checkbox"/> Domestic Representative
		<input type="checkbox"/> Attorney Docket Number	
		<input type="checkbox"/> Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

LAWRENCE COPELIN, SR.
LIE

3/25 /2002

DATE

Other: _____

APPLICANT: Wineryexchange.com

ADDRESS: 1150 Bayhill Drive, Suite 215
San Bruno, California 94066

DATE OF FIRST USE: Based on intent to use.

FIRST USE IN COMMERCE: Based on intent to use.

GOODS/SERVICES: Wine in International Class 33.



04-17-2001

U.S. Patent & TMOfo/TM Mail Ropt Dt #72

REGIONS

TRADEMARK



76242955

Carla B. Oakley, Esq.
(415) 442-1301 or coakley@brobeck.com

Docket No. 031998.2090 MG

Post Registration

[illegible]

Trademark

76242955

TRADEMARK



76242955

NEW CASE DELIVERED

SEP 25 2001

PROSECUTION HISTORY

LAW OFFICE 108

Entry	Date	Initials
1.	NOV - 6 '01	TN
2. <i>Lit. Exp</i>	5-6-02	MAY 24 2002
3.	JUL - 1 '02	28
4. <i>Appeal to Board; Reconn</i>	1/6/03	
5. <i>Appeal ack; Remanded</i>	1/17/03	
6.		
7. <i>Appeal resumed; Brief due 8/16/03</i>	6/17/03	
8. <i>Req. Ext. time / Power of Atty</i>	11-12-03	
9. <i>Request Remand</i>	12-1-03	
10. <i>Remanded</i>	12-16-03	
11.		
12. <i>Appeal Resumed, Brief due (4-13-04)</i>	2-13-04	
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NOP
9/7/04☐ See inside of file for additional entries.

